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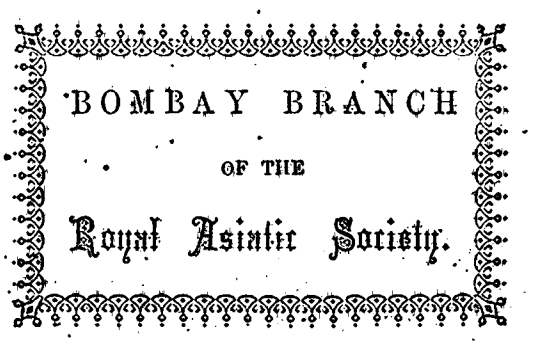

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CIRCULAR ORDERS

PASSED BY

THE SUDDER DEWANEE ADAWLUT,

108457

VOL. I.

CONTAINING THE CIRCULAR ORDERS,

From 23d January 1821, to 15th December 1842.

CX - 4 . 38

BOMBAY.

PRINTED AT THE GOVERNMENT PRESS,
BY F. D. RAMOS.
1843.

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PASSED BY

THE SUDDER DEWANEE ADAWLUT,

VOL. I.

CONTAINING THE CIRCULAR ORDERS,

1821 to 1859

From 23d January 1821, *to 15th December* 1842.

BOMBAY.

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BY F. D. RAMOS.
1843.

CIRCULAR ORDERS,

PASSED BY

THE SUDDER DEWANEE ADAWLUT,

AND COMMUNICATED TO THE

Zillah Judges and Collectors,

BY THE

REGISTER OF THAT COURT.

To THE ZILLAH JUDGES.

SIR,

No. I.

Calling for a statement of the number of Sunnudee Vakeels in each Court, and an opinion as to how many are necessary. Also forwarding copy of Rules, by the Sudder Dewanee Adawlut, for the admission of Pleaders in the several Courts.

I am directed by the Judges of the Sudder Adawlut to request, that you will report what number of Wakeels attached to your Court, are provided with the Sunnuds required by Section III, Regulation XIV, 1802, and that you will state for the information of the Sudder Adawlut, how many Pleaders you consider to be necessary for the practice in the several Courts at your Station.

I have &c.

(Signed) J. VIBART.

Acting Register.

Surat, Sudder Adawlut, 23rd January 1821.

P. S.—Herewith, you will also receive a copy of Rules made by the Sudder Adawlut, for the admission of Pleaders in the several Courts.

The Sudder Adawlut esteeming it to be highly desirable to support by every means, the respectability of the institution of Native Pleaders, practising in the several Courts of Judicature under this Presidency, has come to the determination to admit no persons to the situation of Pleaders, whose characters are not respectable, and who, on examination, shall not be found in every respect well qualified for fulfilling the duties of so responsible and respectable an Office, with credit. In consequence it is directed, that the following Rules be published for general information, in the usual manner, in the Sudder Adawlut, and in the Courts of the several Zillahs, as those under which the Sudder Adawlut will act, in admitting Wakeels under Sunnuds in the Sudder Adawlut, as well as in the Zillah Courts subordinate to it.

Whenever a person shall be desirous of becoming a Wakeel, or is recommended by a Zillah Judge for such situation, he is to appear in the Sudder Adawlut, and submit to an examination into his character, previous habits of life, and qualifications, before a Committee to be appointed by the Court, composed of five or more persons, two of whom shall be Pleaders of the Sudder Adawlut, one being always the Government Pleader, and the other selected from among the Officers of the Court.

The Committee, after the examination, shall prepare a Report of their Proceedings, with the opinion they may come to, and lay the same before the Court.

The Sudder Adawlut will hereafter determine, whether the party shall be admitted under the Regulation in force, or not.

To THE ZILLAH JUDGES.

SIR,

No. 2.

Forwarding instructions as to the Rules to be observed on the receipt of the translations of Regulations.

I am directed by the Sudder Adawlut, to communicate to you the following instructions, to which you are requested to give every attention.

On the receipt of the translations of the Regulations in the languages spoken in your Zillah, they are to be read aloud before you in open Court for public information, and entries of your having so done, are to be made in the Minute Books of the Court.

Complete sets of the Regulations, in the several languages, are to be placed in a part of the building appropriated to the Court room, to which the public shall have free access, with permission to peruse them and make Extracts, if they think fit. The Nazir of the Adawlut is to be charged with this duty, and held responsible for the proper care and preservation of the Regulations.

I have &c.

(Signed) J. VIBART,
Acting Register.

Surat, Sudder Adawlut, 23rd March 1821.

To THE ZILLAH JUDGES.

SIR,

No. 3.

Entries of all Circular Orders of the Sudder Adawlut, to be made in a Book kept for that purpose.

I am directed by the Sudder Adawlut, to request you will keep a separate book, into which entries of all Circular and Standing Orders of the Sudder Adawlut shall be entered, and that you will commence with such as may have been issued since the 1st of January last.

You are to consider the entries into this book, to be independent of the entries of such documents as you are in the habit of making on your records.

I have &c.

(Signed) J. VIBART,
Acting Register.

Surat, Sudder Adawlut, 23d March 1821.

To THE ZILLAH JUDGES.

SIR,

No. 4.

Calling attention to certain Rules to be observed with reference to Pleaders.

The Sudder Adawlut is exceedingly desirous to promote the respectability of the Situation of Native Pleaders by every means in its power, in order to encourage Men of education, with suitable qualifications, to enter the profession, I am therefore directed to call your particular attention to the provisions of Regulation XIV, 1802, and such other Rules as are prescribed for the guidance of authorized Pleaders, and to request that they be strictly adhered to on all occasions. By these means, security will be afforded to Wakeels, that the privileges conceded to them by the legislature shall not be infringed.

2nd. In furtherance of the object in view, the Court directs also your compliance with the following instructions.

3rd. An appropriation shall be made by the Zillah Judge, of the Wakeels authorized to practice in the several Courts under his control, so that no Wakeel shall be permitted to plead in more than one Court, particularly in cases of appeal in which they may have been previously engaged, as such would tend to promote litigation.

4th. The Wakeels in the several Courts are to be allowed seats, after the fashion of the country, as near the bench as possible, and placed according to seniority, the Government Pleaders always taking precedence.

5th. No unauthorized Pleader is to be permitted to act in any stage of a cause, nor can a party appear represented by any person, save a Wakeel regularly appointed. The practice of permitting Moktears to plead, should be discontinued, save in such cases as may obviously require exemption.—Monims and Goomashtehs, are only to be allowed in the absence of a principal, or where the sole management of the affairs of a firm rests with them. Guardians may appear on behalf of minors, and the nearest male relative, of females, if properly empowered. All parties may appear in person under Section XXXIII, Regulation XIV, 1802, and conduct their cases.

6th. The general conduct of Wakeels should be carefully watched, and all instances of improper conduct be noticed.

7th. Should there be no Government Pleader appointed, you are to recommend one or more of the authorized Pleaders attached to your Court for the situation, in the manner prescribed by Section XXIII, Regulation XIV, 1802, and none but persons regularly constituted, should be allowed to appear on the part of Government or its Officers.

8th. The Sudder Adawlut further directs, that one or more copies of the Regulations, in such languages as may be required, shall be given into the custody of the Government Pleaders, for the use of the Wakeels generally, and the Government Pleaders are to be held responsible for their due preservation.

I have &c.

(Signed) J. VIBART,

Acting Register.

Surat, Sudder Adawlut, 23rd March 1821.

To THE ZILLAH JUDGES.

SIR,

No. 5.

Parties to be allowed to present any Durkhast they wish during the progress of an original suit, and the Court, when rejecting the prayer of the motion, to record its reason for so doing.

It having appeared to the Sudder Adawlut, that parties are frequently discouraged in coming forward with Durkhasts, for the production of evidence, and await an order of Court, which if not given, virtually prevents parties in original suits from submitting every description of evidence they may have to support their case, and which, when the suit is brought to appeal, makes it doubtful whether the evidence tendered has not been got up in support of the appeal, the Sudder Adawlut directs it to be generally established as a Rule, that parties shall be permitted to present whatever Durkhasts they may think proper, in the progress of an original suit, the Court setting forth carefully, on its record, the grounds for not acting on such motions, whenever their prayer is rejected.

I have &c.

(Signed) E. GRANT,

Surat, Sudder Adawlut, 14th September 1822. *Register.*

To THE ZILLAH JUDGES.

SIR,

No. 6.

Forwarding copy of a letter from the Advocate General, Fort William, relative to the jurisdiction of the Supreme Court in certain cases.

I am directed by the Sudder Adawlut to forward to you, for your information, the annexed copy of a letter from the Advocate General at Fort William, dated the 4th of December last, relating to the jurisdiction of the Supreme Court in certain cases.

I have &c.

(Signed) E. GRANT,

Surat, Sudder Adawlut, 7th February 1823. *Register.*

To H. T. PRINSEP Esq.

Acting Secretary to Government.

Judicial Department.

SIR,

I have the honor to acknowledge the receipt of your letter dated 27th ultimo, on the subject of certain cases respecting the jurisdiction of the Supreme Court, alluded to in my letter to Mr. Secretary Bayley, dated 3d October 1818, as then pending, and as to the result of which the Governor in Council of Bombay is desirous of information.

2d. Upon referring to my letter with which you have furnished me, I am unable to say with certainty, what the two cases were. I think, however, that one of them was against a person named Guddadhur Acharjee, who pleaded to the jurisdiction of the Court, that he was not an inhabitant of Calcutta at the time of filing the plaint or bill. The plaintiff, to support the issue, that defendant was an inhabitant of Calcutta at *such time*, which is necessary to be proved, relied upon the defendant frequently resorting to a fe-

male in Calcutta, whose house rent he paid, and that he had slept in Calcutta in that house several nights before and after the commencement of the suit, and also that he rented godowns in Calcutta, in which he exhibited goods for sale, employed Sowcars &c. &c. for the management of such business, which in fact was that of ship Captains Banian. It was determined, however, that as this person rented the godowns on his own credit, and had goods there in prosecution of his trade of Banian, he was subject to the jurisdiction as an inhabitant, though his usual and settled place of residence was Chuckerbeare, in the suburbs of Calcutta. Little reliance was placed by the Court on the first ground, the last being held sufficient.

3rd. In another case, which possibly may be one of those to which I referred, a person of the name of Kistnomohun Boneejee, sued with other members of his family by one Rajah Ramamdulet Ray, also pleaded formally to the jurisdiction in the same manner, and the only evidence to shew this man an inhabitant of Calcutta, was that he frequently resorted to a female in Calcutta, whose house rent it was alleged (but which was hardly proved) he paid, and that he had slept there one or two nights about and including the day of filing the Bill. The Court held him liable to the jurisdiction, and he was, though very reluctantly, compelled to answer over. There was no pretence that he carried on any trade or business in Calcutta. His known settled residence was at Sulkea on the opposite side of the river. The Court said, that it was indifferent for what purpose he came and slept in Calcutta, if he was there when the Bill or Plaint was filed.

4th. Actions against Shroffs at Benares, Patna, &c. who have Rooties in Calcutta managed by their Goomasthas, occur daily, though the principals never were in Calcutta in their lives. This has ever been considered a settled ground of jurisdiction as *Inhabitant*, and nobody thinks of disputing it.

5th. In very many cases [and it often occurs in suits in equity for partition, when almost all the property lies in the mofussil,] it is held quite sufficient that a party (sometimes an "*Infant*") has a family house, or is entitled to a share of a family house in Calcutta, to the expence of which he contributes, and to which he may come when he pleases, though in fact he never was in Calcutta in his life. This was lately determined (as I believe had been done in former instances) in the case of a suit for partition by certain persons named Nemdy, against Hurreenaut Ray, (grandson of the noted Cauntoo Baboo whose name was Kissincaunt Nemdy,) who as the sole heir of his grand father and of his father Lakenant Ray, was assailed by certain poor relations claiming equal right, without the least shadow of foundation in fact. The only ground of jurisdiction was the right to a family house in Calcutta, where Hurreenaut Ray then had never been. I thought this a proper case for trying the question on appeal, and as the immense wealth of this young man could very well afford the expence, I advised an appeal; but either my advice was not communicated to Hurreenaut Ray, (and some of his native agents might not approve it), or he did not think fit to follow it, as he has answered over. These decisions may be taken as the settled law of the Court here, and only to be corrected, if wrong, by the decisions of the King in Council.

6th. There are other grounds of constructive inhabitants, which I cannot call to

mind. Among others, natives who have traded in Calcutta, are considered subject to the jurisdiction in regard to transactions arising in the course of that trade, though the parties may have absconded or gone away from Calcutta before suit commenced, and though the place of business be shut up. This was held very lately in the case of Netmony Sein and Rajkessen Sein, shroffs, who absconded about five or six months ago, having large debts outstanding against them, contracted in Calcutta. This decision proceeds on the ground, that till their transactions of the business are wound up, the business cannot be said to have ceased for this purpose, and that those who dealt with the shroffs, as traders in Calcutta, looked to the Law of the place where the transaction and cause of action arose. This indeed appears a very reasonable ground of jurisdiction, and many of the inferior local and limited jurisdictions in England are expressly governed by this criterion, of the *cause* of action having arisen within their limits. These may appear indeed violent constructions of the word "*inhabitant*", on which all hinges, but that word, from being of great application in election law, the poor laws &c. &c. has been exposed to be so canvassed, as that any constructive meaning given to it, will not want some colour of authority. Such cases as that of Hurreenaut Ray, when ultimately the Court directs a partition of real property out of its local limits, were probably never intended to be placed within the jurisdiction of the Supreme Court, though on the principles on which Courts of Equity act, there is less assumption of jurisdiction within another and distinct jurisdiction, than may at first appear. For the above, however, among other reasons, Hurreenaut Ray's seemed a strong case for appeal, but I am by no means confident that the decision would have been reversed.

I have &c.

(Signed) R. SPANKIE,
Advocate General.

Judicial Department the 13th December.

(A true copy)
(Signed) H. PRINSEP,
Acting Secy. to Govt.

(A true copy)
(Signed) JAMES HENDERSON,
Secy. to Govt.

(A true copy)
(Signed) EDWARD GRANT,
Register.

To THE ZILLAH JUDGES.

Sir,

No. 7. Forwarding extract of proceedings of the

I am directed by the Sudder Adawlut to forward to you the annexed Extract from yesterday's Proceedings, and to request, that a translation of the same; in the cur-

rent language of your jurisdiction, may be affixed in the most conspicuous part of your Court-room.

Sudder Dewanee Adawlut, relative to the transmission from the Zillahs, of Mooktear-Namahs and Wukalut Namahs.

I have &c.
(Signed) E. GRANT,
Register.

Surat, Sudder Adawlut, 10*th May* 1823.

Extract from the Proceedings of the Court of Sudder Adawlut, dated the 9th May 1823.

In consequence of the difficulty experienced by the Sudder Adawlut in ascertaining the validity of Mooktear Namahs and Wukalut Namahs, presented by persons from distant stations, without being authenticated by any public Officers, it is resolved, that in future no document of this description shall be received, unless attested by the seal of the Quazee or Mooftee of the place or district from whence the authority is sent.

(True Extract.)
(Signed) E. GRANT,
Register.

To THE ZILLAH JUDGES.

SIR,

No. 8.

Forwarding copy of a letter from Government, prohibiting the arrest on Sundays, of persons resident in Bombay.

I am directed by the Sudder Adawlut to forward to you, for your information and guidance, the annexed copy of a letter from Government, dated the 16th instant, regarding the arrest of persons residing in Bombay.

I have &c.
(Signed) E. GRANT,
Register.

Surat, Sudder Adawlut, 23*rd June* 1823.

No. 585 of 1823.

Judicial Department.

TO JOHN ROMER ESQ. &c. JUDGES OF THE SUDDER DEWANEE AND FOUJDAREE ADAWLUT.

GENTLEMEN,

The Hon'ble the Governor in Council, understanding that a Writ, signed by the Chief Judge of your Court and directed to some of the establishment of the Judge of the Northern Koncan, for the arrest of certain persons residing at the Presidency, was served on one of the parties on a Sunday, an illegal act in Bombay, has directed me to request you will instruct the several Judges to warn their Peons not to arrest on that day.

I have &c.
(Signed) J. HENDERSON,
Secy. to Govt.

Bombay Castle, 16*th June* 1823.

(True copy.)
(Signed) E. GRANT,
Register.

To THE ZILLAH JUDGES.

SIR,

No. 9. With reference to the Circular Order issued on the 10th May last, regarding the attestation of Mooktear Namahs and Wukalut Namahs, I am directed to remark, that the Law Officers attached to Zillah Courts, and receiving salaries from Government, have in some instances been allowed to attest these documents, a duty which the Judges consider incompatible with their situations, unless they hold local office in their own right, conferring on them this power.

The Law Officers of the Adawluts prohibited from attesting Mooktear Namahs, & Wukalut Namahs, and performing other duties not prescribed in the Regulations, unless possessing Local Office in their own right, conferring on them the power of so doing.

You will be pleased, in consequence, to restrain the Law Officers of your Adawlut from the execution of such acts as may not be prescribed for them in the Regulations, unless holding office in their own right.

All persons empowered to attest papers, to make use of a seal in addition to their signature.

All persons empowered notoriously to attest papers, are to make use of a seal in so doing, as the bare signature cannot be considered sufficient.

By order of the Sudder Adawlut.
(Signed) E. GRANT,
Register.

Surat, 26th Decr. 1823,

To THE ZILLAH JUDGES.

SIR,

No. 10. Doubts having arisen regarding the construction to be placed on the Circular Orders of the Sudder Adawlut of the 10th May and 26th December 1823, directing the attestation of Wukalut and Mooktear Namahs, by certain local Officers of districts, I am instructed to inform you, that the matter has been under the consideration of the Court, and it has determined that no Wukalut or Mooktear Namahs shall hereafter be filed in the Sudder Adawlut or any Court of jurisdiction subordinate to it, which may not be duly attested by the seal and signature of a Quazee or other Local Officer, in the manner already directed.

No Wukalut, or Mooktear Namah to be filed in the Sudder Adawlut, or any court subordinate to it, unless attested by the seal and signature of a Quazee, or other Local Officer.

By order of the Sudder Adawlut.
(Signed) E. GRANT,
Register.

Surat, Sudder Adawlut, 6th February 1824.

To THE ZILLAH JUDGES,

SIR,

No. 11. It appearing that Law Officers in giving expositions of the law, frequently omit to include the authorities from which they quote, I am in consequence directed to request you will consider it a Standing Rule, to record no exposition, in which the particular authority is not named, reference is not had to the part of the work cited, and an extract made therefrom of what may bear on the question proposed.

Rules to be observed prior to the filing of expositions of Law.

I have &c.
(Signed) E. GRANT,
Register.

Surat, Sudder Adawlut, 7th May 1824.

The law Officers of the Sudder Adawlut to be also instructed in the same way, for their future guidance.

To THE ZILLAH JUDGES.

No. 12.

Forwarding copy of a letter from Government relative to the mode in which the duties of a Judge are to be disposed of during his absence. In proposing the appointment of an Acting Judge, Zillah Judges to report upon the state of business.

SIR,

I am directed by the Sudder Adawlut to transmit to you the accompanying extract of a letter from Mr. Secretary Farish of the 30th ultimo, conveying the instructions of Government regarding the manner in which the duties of Judge are to be disposed of during the absence of the principal.

To enable the Sudder Adawlut to meet the wishes of Government, Zillah Judges are requested to report to the Court the state of business in the Zillah, and the grounds for proposing it, whenever they may consider it necessary to recommend an Acting Judge to be appointed during their absence.

I have &c.

(Signed) E. GRANT,

Surat, Sudder Adawlut, 14th May 1824. *Register.*

Extract of a letter from Mr. Secretary Farish, dated the 30th April 1824.

The Hon'ble the Governor in Council is pleased to establish it as a general rule, that on the occasional absence of the Judge of a Zillah from his station, the Register shall be left in charge; and you will be pleased to bring any case to the special notice of Government, in which, from the accumulation of civil suits or other cause, you may think fit to recommend that an Acting Judge should be appointed, which you will have an opportunity of doing, on receiving intimation that the Judge has obtained leave of absence.

(True Extract.)

(Signed) E. GRANT,

Register.

To THE ZILLAH JUDGES.

No. 13.

Forwarding copy of a letter to the Judge of the Southern Conkan, relative to the date of the commencement of the Mohurrum.

SIR,

I am directed by the Sudder Adawlut to forward, for your information and guidance, the annexed copy of a letter, under this date, addressed to the Zillah Judge of the North Kónkan, on the subject of the annual Mahomedan vacation.

I have &c.

(Signed) E. GRANT,

Surat, Sudder Adawlut, 13th August 1824. *Register.*

To E. H. BAILLIE Esq.

Zillah Judge.

Tannah.

SIR,

I am directed by the Sudder Adawlut to acknowledge the receipt of your letter dated the 5th instant, forwarding a Petition from the principal Mahomedan Officers attached to your Adawlut, on the subject of the Mahomedan vacation, which it appears is made to commence at Tannah five days before the 1st of the month of Mohurrum, and to end on the day of Ushoora, or 10th of that month.

As some diversity in the observance of this holiday is found to obtain in different Zillahs, the Sudder Adawlut, with reference to the practice which is authorized in Bengal, has now directed that the Mahomedan vacation shall commence on the 1st day of the month of Mohurrum, and continue for fifteen days, by which the objections to its ending on the Ushoora, will be obviated.

I have &c,
(Signed) E. GRANT,
Register.

Surat, Sudder Adawlut, 13th August 1824.

To THE ZILLAH JUDGES.

No. 14.

Establishing rules to be observed in the copying and delivery of the copies of decrees.

SIR,

With the view to ensure to the parties in Civil Suits the due delivery of copies of Decrees, without unnecessary delay, the Sudder Adawlut has resolved, that henceforward, in addition to the endorsements required by Clause 6th, Section XV. Regulation V. 1820, there shall be noted upon the back of each copy of a Decree, the date on which the copying or transcribing of such Decree was completed; and you will be careful that this rule be strictly attended to by your Sheristidar, or other principal Officer authorized to discharge the duty in question.

I have &c.
(Signed) E. GRANT,
Register.

Surat, Sudder Adawlut, 18th February 1825.

To THE ZILLAH JUDGES.

No. 15.

Forwarding copy of resolutions made in regard to the examination of candidates for Vakeelships, & requesting that publicity may be given to the same.

SIR,

I am directed by the Sudder Adawlut to transmit to you the annexed copy of a Resolution this day made by the Court, regarding the examinations of candidates for Wakeelships, and to request that you will cause the same to be made as public as possible throughout your jurisdiction, in the current language of the place.

I have &c.
(Signed) E. GRANT,
Register.

Surat, Sudder Adawlut, 18th March 1825.

Extract from the Proceedings of the Sudder Adawlut dated the 18th March 1825.

It is this day resolved, that in future the Periodical Examinations of Candidates for Wakeelships, shall take place in the Sudder Adawlut at Surat, on the 15th January, 15th May and 15th September in each year.

(True Extract.)

(Signed) E. GRANT,
Register.

To THE ZILLAH JUDGES.

SIR,

No. 16.

Forwarding extract from a report of the 2d Judge of the Sudder Adawlut, and also of a letter from Government on the subject of the consideration to be shewn to certain Natives, when publicly called on to give evidence.

I am directed by the Sudder Adawlut to transmit to you, for your information and guidance, annexed extracts of a Report from the Second Judge of the Court, on completing the last Northern Circuit for 1823, dated the 21st February 1824, and of a letter from Government dated the 22d instant, relating to the indulgence that should be shewn to Komavisdars and other Natives of respectability, when publicly called on to give evidence.

I have &c.
(Signed) E. GRANT,
Register,

Surat, Sudder Adawlut
30th April 1825.

Extract from the Report of the Second Judge of the Sudder Adawlut and Sudder Foujdaree Adawlut, dated the 21st February 1824.

It has been remarked to me by several of the Komavisdars, that unless when giving evidence before the Court of Jail Delivery, on which occasion a Chair is allowed to them, they are at other times, when called on in public, not allowed any privilege of this description, either in the Adawlut, or Collector's Cutcherry, and they appear to feel some little degradation when brought in, like any common person. As it is of use to uphold the respectability of all Native Officers, in every possible way, particularly in a country like the one we are in, I should suggest, that whenever Komavisdars, Umeens, Foujdars, Nazirs, or other description of Officers of rank, may be called publicly before any authority to give evidence &c. that while before him, they should be allowed a Chair. This distinction is granted to Natives of great respectability on attending Court, and I think there can be little objection to the measure in the instances pointed out.

Extract of a Letter from Government dated the 22nd April 1825.

In reference to the 64th Paragraph, I am directed to observe, that the measure recommended by the Second Judge, of allowing Komavisdars, Umeens, &c. when called publicly before any Authority to give evidence, a Chair, is highly expedient, and that this indulgence should be extended to all Natives of respectable situation in life.

(True Extract.)
(Signed) E. GRANT,
Register.

No. 17,

To THE ZILLAH JUDGES.

SIR,

Forwarding copy of a resolution of the Court relating to the periods to be allowed for completing the Pleadings in cases instituted in the Sudder Adawlut, and requesting that publicity may be given the same.

I am directed by the Sudder Adawlut, to transmit to you the annexed copy of a Resolution passed by the Court on the 27th instant, regarding the periods to be allowed in future for the completing of the pleadings in cases instituted in the Sudder Adawlut, and

to request that you will give it as much publicity as possible, after it is translated into the current language of your jurisdiction.

I have &c.

(Signed) E. GRANT,

Surat, Sudder Adawlut, 30th May 1825. *Register.*

The Sudder Adawlut finding that the periods fixed by the Court's Resolution of the 7th March 1821 for completing the pleadings in appeals instituted in the Sudder Adawlut, are too long, in as much as parties and pleaders in cases are unable to comply with them, and great inconvenience being experienced in consequence, it is this day resolved to amend the order of 7th March 1821, as follows.

Supplemental petitions of appeal to be put in within twenty days after the appeal has been admitted on the file of the Sudder Adawlut. Answers to be put in within fifty days after filing the suit. Reply within ten days from the date on which the answer is given in, and the rejoinder within ten days after that; any pleadings tendered after the above periods are to be refused by the Register, and none such to be admitted, without good cause being shown to the satisfaction of Court, that they could not have been previously tendered. Parties and Wakeels are to be careful to attend to the foregoing instructions.

Ordered, that the foregoing Resolution be sent to the several Zillah Judges, with a request, that the same may be translated into the current language of their respective districts and be made as public as possible for the information of suitors, and that translations of the same, in Goozerattee and Marathee, be affixed in the most conspicuous part of the Sudder Adawlut.

(True copy.)

(Signed) E. GRANT,

Register.

To THE ZILLAH JUDGES.

SIR,

No. 18.

When papers are transmitted to the Sudder Adawlut, lists in English, containing a description of each document with the mark endorsed thereon, are always to be also sent.

Great inconvenience arising from the manner in which papers are transmitted to the Sudder Adawlut, (save in cases of regular appeal), lists of documents not being included, I am directed to instruct you to be particular, on all future occasions, to forward lists in English, containing a description of each document, with the mark endorsed thereon, in the same manner as is done in forwarding cases regularly appealed.

I have &c.

(Signed) E. GRANT,

Register.

Surat, Sudder Adawlut
11th July 1825.

To THE ZILLAH JUDGES.

SIR,

No. 19.

Forwarding extract from Proceedings of the Sudder Adawlut, relative to the execution of decrees.

I am directed to transmit to you for your information and future guidance the annexed Extract from proceedings of the Sudder Adawlut under this day's date.

I have &c.

(Signed) E. GRANT,
Register.

Surat, Sudder Adawlut, 5th August 1825.

Extract from the Proceedings of the Sudder Adawlut dated 5th August 1825.

Read a letter from the Acting Judge of Broach dated the 22nd ultimo, requesting the opinion of the Sudder Adawlut, as to "whether a person in whose favor a Decree "may be made, can forfeit his right to its execution, by neglecting to apply for it dur- "ing any period of time."

Adverting to the absence of any specific Rules for the execution of Decrees of a certain standing, the Sudder Adawlut, after duly considering the matter, makes the following order for the guidance of the Zillah Courts, which is to be circulated to the several Judges.

If a suit shall have been tried exparte, or an interval of more than one year shall have elapsed between the date of the Decree and the application for its execution, or if the enforcement of the Decree shall be solicited against individuals being heirs or representatives of the original parties in the suit, or if there shall appear reason to believe that the matter in dispute has been adjusted by the parties subsequently to the Decree, either by the voluntary surrender of the thing adjudged, or by the payment of the sum decreed, either in whole or in part, by Kistbundee or otherwise, it shall be competent to the Court, instead of proceeding to the immediate enforcement of the Decree, to issue a notice to the party against whom execution may be sought, requiring him to show cause, within a limited period, to be fixed by the Court, why the Decree should not be executed against him. If upon such notice, the party shall not attend in person or by Wukeel, or shall not shew sufficient cause to the satisfaction of the Court, why the Decree should not be forthwith executed, the Court will cause the Judgment to be satisfied according to the rules in force. If the party shall attend in person or by Wukeel, and shall offer any objection to the enforcement of the Decree, the Court shall issue such order, after a due consideration of the circumstances of the case, as may appear just and proper, and which order may direct and allow the party to institute a new suit in the Court, in which the defendant shall not however be allowed to impugn the merits of the original Judgment, but he may shew that the sum originally decreed, or any part of it, has been subsequently paid, or that the matter in dispute has been adjusted by the parties since the date of the original Judgment.

(True Extract.)
(Signed) E. GRANT,
Register.

To THE ZILLAH JUDGES.

SIR,

No. 20.

Forwarding resolutions relative to the registering of expositions of law.

I am directed by the Sudder Adawlut to forward to you the following Resolutions, and to request your particular attention to them.

1st. That independent of the expositions delivered into Court by Law Officers, a separate Register of them shall be kept in Books, paged, and each entry attested by the Register of the Court.

2nd. That the Law Officers who deliver in the expositions, shall be held responsible for the immediate entry of them in the Register to which they belong.

3rd. That expositions of Civil and Criminal Law, be entered in separate Registers, as well as of Mahomedan and Hindoo Law.

4th. That the several Zillah Judges shall see that this order is particularly attended to, and consider the Register as forming part of the Records of Courts, to be ready on all occasions of reference, as well as when called for by competent authority.

5th. The Expositions given in at the several Sessions of General Jail Delivery, shall be registered in the Register of Criminal Expositions for each Zillah Court.

6th The following Form shall be observed in making the entries in the several Registers.

No. of Suit. Names of Parties, Date of Delivery. Names of the particular Court.	Question.	Exposition.	Remarks.

I have &c.
(Signed) E. GRANT,
Register.

Surat, Sudder Adawlut
23rd September 1825.

To THE ZILLAH JUDGES.

SIR,

No. 21.

Forwarding extract from the proceedings of the Sudder Adawlut, relative to Petitions.

I am directed by the Judges of the Sudder Adawlut to forward to you the accompanying Extract from their Proceedings, for your information and guidance.

I have &c.
(Signed) A. BELL,
Acting Register.

Surat, Sudder Adawlut, 19th January 1827.

Extract from the Proceedings of the Sudder Adawlut, dated the 19*th January* 1827.

A number of Petitions having been lately presented to the Court, so closely written as to cause much inconvenience to the readers, the Sudder Adawlut has this day determined

not to receive in future any Petition containing more than 40 lines in each bund, and 30 letters in each line.

True Extract.
(Signed) A. BELL,
Acting Register.

To THE ZILLAH JUDGES.

SIR,

No. 22.

Further instructions relative to the receipt of petitions, being in explanation of the extract from the proceedings of the Court, forwarded on the 19th January 1827.

The Sudder Adawlut having occasion to observe that too strict a construction has been placed on the Circular Order of this Court of the 19th January last, in regard to the number of lines and letters to be allowed in one bund of paper, I am directed to inform you, that the above is merely to be taken as an average, and, if perfectly legible, there is no intention to reject Petitions that may contain more than the above.

It is also to be understood, that when original plaints or appeals are presented, which may be found to be too closely written, instead of rejecting the same altogether, which would occasion much loss to parties, it may be sufficient to cause them to be re-written, the whole in the prescribed manner on paper attached to the original Petition, of the same stamp as required for additional papers in ordinary cases.

I have &c.
(Signed) A. BELL,
Acting Register.

Surat, Sudder Adawlut, 2nd March 1827.

To THE ZILLAH JUDGES.

SIR,

No. 23.

Forwarding extract from a letter addressed to the Zillah Judge of Surat.

I am directed by the Sudder Adawlut to transmit to you, for your information and guidance, annexed extract of a letter this day addressed to the Zillah Judge of Surat.

I have &c.
(Signed) A. BELL,
Register.

Surat, Sudder Adawlut, 23rd March 1827.

Extract of a Letter to the Zillah Judge of Surat, dated the 23rd March 1827.

It appears to the Sudder Adawlut only necessary to observe, in addition to the instruction of the 5th August 1825, that Decrees are to be considered as generally coming within the operation of the Rules in force for limiting the time in which suits for debts, supported by acknowledgments in writing, are actionable.

(True Extract.)
(Signed) A. BELL,
Acting Register.

To THE ZILLAH JUDGES.

SIR,

No. 24.

Transmitting copy of a resolution passed in the Sudder Adawlut, regarding the periods to be allowed for the completion of pleadings in the Sudder Adawlut, and requesting that publicity may be given to the same.

I am directed by the Sudder Adawlut to transmit to you the annexed copy of a Resolution passed by the Court under this day's date, regarding the periods to be allowed in future for the completing of the pleadings in cases instituted in the Sudder Adawlut, and to request that you will give it as much publicity as possible, after it is translated into the current language of your Jurisdiction.

I have &c.

(Signed) A. BELL,
Acting Register.

Surat, Sudder Adawlut, 20th April 1827.

The Sudder Adawlut finding that the periods fixed by the Court's Resolution of the 27th of May 1825 are too short, it is this day resolved to amend the order as follows.

Supplemental petition of appeal to be put in within 30 days after the admission of the appeal on the file of the Sudder Adawlut. Answers to be put in within sixty days after filing of the suit.

Ordered, that the foregoing Resolution be sent to the several Judges, with a request, that the same may be translated into the current language of their respective districts, and be made as public as possible, for the information of suitors, and that translations of the same in Goozerattee and Mahratta, be affixed in the most conspicuous part of the Sudder Adawlut.

(True Extract.)

(Signed) A BELL,
Acting Register.

To THE ZILLAH JUDGES AND CRIMINAL JUDGES.

SIR,

No. 25.

Minutes of proceedings, in the English language, to be forwarded in all Civil and Criminal cases.

I am directed by the Sudder Dewanee Adawlut and Sudder Foujdaree Adawlut to request, that you will for the present have the goodness to transmit to the Court, Minutes of Proceedings in the English language, in Civil and Criminal cases, as has hitherto been usual in all appealed and referred cases.

A reference is now pending on this subject before the Hon'ble the Governor in Council, the result of which will be communicated to you at as early a period as practicable.

I have &c.

(Signed) J. A. FORBES,
Acting Register.

Surat, Sudder Dewanee Adawlut and Sudder Foujdaree Adawlut, 1st September 1827.

To THE ZILLAH JUDGES.

SIR,

No. 26.

All periodical returns and reports of Civil business hitherto furnished, to be as usual transmitted.

I am directed by the Sudder Dewanee Adawlut, with the sanction of the Hon'ble the Governor in Council, to request that you will continue to furnish to the Court all periodical Returns and Reports of Civil business hitherto made by you, in conformity with any former Regulation or particular Orders, until otherwise instructed.

I have &c.

(Signed) J. A. FORBES,
Acting Register.

Surat, Sudder Adawlut, 2nd October 1827.

To THE ZILLAH JUDGES.

SIR,

No. 27.

Requesting information as to whether attention has been paid to the Courts Circular of the 23d March 1821

I am directed by the Sudder Dewanee Adawlut to call upon you to state, whether the Circular Order of the Sudder Adawlut of the 23rd March 1821, has been fully complied with, by the orders that have been issued to your Court since 1st January 1821, being entered in a Book.

I have &c.

(Signed) H. H. GLASS,
Surat, Sudder Dewanee Adawlut, 24th Dec. 1827. *Register.*

To THE ZILLAH JUDGES.

SIR,

No. 28.

Requesting information as to whether attention has been paid to the Courts Circular of the 23d September 1825.

I am directed by the Sudder Dewanee Adawlut to call upon you to state, whether the Circular Order of the Sudder Adawlut of the 23rd September 1825 has been fully attended to, and all Vevustas and Futwas inserted in Books, kept, under the Rules adverted to, by the Law Officers.

I have &c.

(Signed) H. H. GLASS,
Surat, Sudder Dewanee Adawlut, 24th December 1827. *Register.*

To THE ZILLAH JUDGES.

SIR,

No. 29.

Forwarding Rules passed by the Sudder Adawlut, in regard to Caste Rules that may be delivered by Mr. Borradaile or others, to the zillah judges.

I am directed by the Sudder Dewanee Adawlut to forward to you the accompanying rules passed by the Court for your guidance, in regard to caste rules that may be delivered by Mr. Borradaile or the heads of Castes.—

I have &c.

(Signed) H. H. GLASS.
Surat Sudder Dewanee Adawlut, 24th December 1827. *Register.*

RULES BY THE SUDDER DEWANEE ADAWLUT IN REGARD TO CASTE RULES.

The enquiry into caste customs that has been in progress in the zillah of Surat, and Collectorship of Broach, under the superintendence of Mr. Borradaile, has led to the collection of a great number of sets of caste rules, which renders it necessary that means should be taken for their due custody, as well as in regard to such as may hereafter be received within the above named jurisdictions, or the zillah of Kaira or Ahmedabad. Accordingly, the Sudder Dewanee Adawlut passes the following Rules, which are to be communicated to the Judges of Surat, Kaira and Ahmedabad, as well as to the Senior Assistant Judge stationed at Broach, and their observance of them particularly enjoined.

All caste rules are to be delivered to the Judge of the Zillah, by Mr. Borradaile, or after his functions cease, by the proper Officers of the caste to which they may belong.

The Judge shall, in either case, affix an attestation, under his official signature, of the manner in which they are received, as well as the date. The Judge shall further certify the number of bunds of paper in each, as well as endorse his name across each joining.

The Judge shall cause a careful transcript to be made of each set of rules into a book paged in English, so soon after receipt as possible, which shall be attested by the Sheerishtedar of his Court, as well as with his own official signature.

That the original sets of rules be transferred to the custody of the keeper of civil records, who shall take care of them, and keep a book with a very particular description of them, to serve as a guide to them, in the same manner as is prescribed for the custody of civil suits.

That the books in which the rules shall be transcribed, are to remain in the custody of the Superintendent of the Registers in each zillah, who shall note in his own hand writing on the first and last page of each book, the number of pages contained in it, and attest it with his signature.

The Register of caste rules shall be open to all who may apply to the Superintendent, under the same rules as apply in regard to searches, or the taking out of copies of registered documents.

That an index shall be made of the rules, and kept in a separate Book, similarly authenticated.

As it is laid down in the Regulations of Government, Section XXVI, Chapter VI Regulation IV, 1827, " that the Law to be observed in the trial of suits shall be Acts of Parliament, and Regulations of Government applicable to the case, in the absence of such Acts and Regulations, the usage of the country in which the suits arose ; if none such appears, the law of the defendant" &c. it is clear that the usage of the country has precedence of the Law of the defendant, and consequently that in all disputes between

parties who have given in caste rules, these only shall be referred to by Judicial authorities, and taken as a guide, unless rescinded by any subsequent set of rules.

No set of rules, however, that alter former ones shall be acted on in any case, the cause of action in which, may have arisen previous to their establishment, nor even then, unless they have been brought for registry in the office of the Superintendent, in the manner directed in Section V, Regulation IX, 1827, and a counter-part of the original shall be delivered to the Judge in the same manner as has already been set forth in regard to original rules.

In appeals to the Sudder Dewanee Adawlut in suits founded on caste custom, extracts of the rules deposited in the Adawlut, that may refer to the case, are to be transmitted with the proceedings.

In as far as regards Broach, the Senior Assistant Judge stationed there, shall be guided by the same rules, conforming under them to whatever requisites are demanded from Judges in Zillahs.

A copy of these rules are to be placed with the Circular Orders of the Court, and also to be entered in the Register Book of caste rules, at the commencement.

(Signed) H. H. GLASS,
Register,

To THE ZILLAH JUDGES.

SIR,

No. 30.

Forwarding further instructions with reference to the Courts Circular of the 1st September last.

With reference to the Circular Order issued to you on the 1st of September last, on the subject of English records of cases, Civil and Criminal, I am directed to inform you, that, under the sanction of the Honorable the Governor in Council, which has been obtained for this purpose, you are required to accompany all appealed or referred cases in the Civil and Criminal departments, with translations in English, of records in the native language, thus dispensing with the necessity of keeping minutes of proceedings in the English language, under any former order that may exist,

You are further requested to be careful that the record shall in all cases be kept as prescribed by the Regulations.

By the foregoing order, it is not intended that records of trial in the Civil department by native functionaries, shall be rendered into English, but only the records of Judges and their assistants. It will consequently be necessary in cases of special appeal to the Sudder Dewanee Adawlut, where the trial in the first instance may have been held before an Assistant Judge, that his record should be translated, and it is further to be understood generally, that whenever the record of an European public officer is submitted to the Sudder Dewanee Adawlut, a translation into English is invariably to accompany it.

As it is the object of the Sudder Dewanee Adawlut to be possessed of the sentiments of the trying authority in his own language, each public Officer is held responsible for

the fidelity of the translation of the record in his own cases, and whenever this cannot be accomplished from intermediate removal or other cause, the Judge of the Court, or officer in charge, will give effect to the arrangement in the ordinary course of business.

I have &c.

(Signed) H. H. GLASS,

Surat, Sudder Dewanee Adawlut, 25th January 1828. *Register.*

To THE ZILLAH JUDGES.

SIR,

No. 31.

Relative to the meaning of Clause 1st Section X of Regulation XVIII of 1827, and requiring a report to be made to Government of certain suits instituted.

I am directed by the Sudder Dewanee Adawlut to notify to you, for the purpose of the rule being adhered to in your Court, and in all Judicial tribunals dependent upon it, that the Hon'ble the Governor in Council, by virtue of Clause 2d, Section VII Regulation 1, 1827, is pleased to declare the meaning of the words "duly stamped, at the end of Clause 1st, Section X, Regulation XVIII, 1827, to be "stamped as directed by the law of the time," and that consequently, bonds or other instruments on unstamped material, executed while Regulation XIV, 1815 was in force, and requiring under that Regulation, to be stamped, are not to be held to be valid by the Courts.

I am also instructed to desire, that you will report to the Hon'ble the Governor in Council whenever any suit may be instituted before you or your subordinate tribunal, which turns upon the point of a claim of exemption from the stamp duty, for documents executed while Regulation XIV, 1815 was in force, for sums not exceeding Rupees (16) sixteen, or passed within the Zillah to take effect beyond them; for which instruments, privileges are expressly granted by Regulation XVIII, 1827.

I have &c.

(Signed) H. H. GLASS,

Bombay, Sudder Dewanee Adawlut, 29th January 1828. *Register.*

No. 32.

Great discretion enjoined upon the judge in delegating to his assistant such part of his duty as is adverted to in Clause 4th of Section XII of Regulation XIII of 1827.

To THE JUDGES AND CRIMINAL JUDGES.

In communicating to you the accompanying interpretation of Clause 4th, Section XII Regulation XIII of 1827, I am directed by the Sudder Dewanee Adawlut and Sudder Foujdaree Adawlut, to observe that great discretion should be used by the Judge in delegating such part of his duties to his Assistants, as are therein adverted to.

I have &c.

(Signed) H. H. GLASS,

Surat, Sudder Dewanee and Sudder Foujdaree Adawlut, 17th September 1828. *Register.*

No. 1536 of 1828.

Judicial Department.

To JAMES SUTHERLAND ESQ. &c. JUDGES OF THE COURT OF SUDDER FOUJDAREE ADAWLUT.

GENTLEMEN,

I am directed to acknowledge the receipt of your Register's letter of the 30th ultimo, with its enclosure, and to inform you, that without any further Enactment than

the latter part of Clause 4th, Section XII, Regulation XIII, the Criminal Judge may empower his Assistants to execute any part of his duties, including commitments to the Court of Circuit.

I have &c.

(Signed) J. G. GARDINER,

Bombay Castle, 27th August 1827. *Actg. Sec. to Govt.*

To THE ZILLAH JUDGES.

SIR,

No. 33.

No Dufter or books to be retained in the Adawluts without a receipt being given by the Nazir. When a suit is concluded, such documents to be removed without loss of time.

I am directed by the Judges of the Sudder Dewanee Adawlut to inform you, that no Dufters or Books should be allowed to remain in the Adawlut without a receipt being passed by the Nazir, or where remaining, for the convenience of parties, without such receipt, it is to be considered that no responsibility is incurred on their account, and that on the Nazir giving receipt for any such Dufters, it will be his duty to see that they are placed in security, and further, that on a suit being finally disposed of, a general rule should be made, that all Books of the kind should be removed without loss of time.

I have &c.

(Signed) G. GRANT,

Bombay, Sudder Dewanee Adawlut, 29th December 1828. *Actg. Register.*

To THE ZILLAH JUDGES AND COLLECTORS.

SIR,

No. 34.

Forwarding an interpretation of the Rules laid down in Chapter XIV Regulation IV of 1827.

I am directed by the Sudder Dewanee Adawlut to inform you, that the pay of public Officers employed in any Civil capacity, is to be considered, in interpretation of the rules laid down in Chapter XIV, Regulation IV, 1827, as available in just proportions, as may be determined by the Courts, to the payment of debts.

I have &c.

(Signed) G. GRANT,

Bombay, Sudder Dewanee Adawlut, 20th January 1829. *Actg. Register.*

To THE ZILLAH JUDGES AND COLLECTORS.

SIR,

No. 35.

A list to be furnished on the 1st January of each year, of the local holidays which it may be necessary to observe.

I am directed by the Judges of the Sudder Dewanee Adawlut, under instructions from the Hon'ble the Governor in Council, to request, that you will in future transmit for the sanction of this Court, on the 1st of January of each year, a list of the local Holidays required to be observed by your Court, and the subordinate tribunals.

I have &c.

(Signed) H. H. GLASS,

Bombay, Sudder Dewanee Adawlut, 21st October 1829. *Register.*

To THE ZILLAH JUDGES.

SIR,

No. 36.

Punchayets to be warned not to reject evidence offered by the parties, on insufficient grounds, when the same can, in any authorized way, be obtained.

In consequence of it having been brought to the notice of Government, that evidence offered by parties in causes pending before Punchayets, has been rejected on insufficient grounds, I am directed by the Judges of the Sudder Dewanee Adawlut, in conformity to instruction conveyed to them from the Hon'ble the Governor in Council, to request you to issue the necessary orders, for enjoining Punchayets not to omit, without any good reason, to take the evidence pointed out by the parties, when such can be procured by the Punchayets themselves, or by having recourse to the aid afforded them under the Regulations.

I have &c,

(Signed) R. T. WEBB,

Bombay, Sudder Dewanee Adawlut, 10th November 1829. *Actg. Register.*

To THE ZILLAH JUDGES,

SIR,

No. 37.

Prior to the aid of the Sudder Dewanee Adawlut being required under the provisions of the 53d George III. Chapter 155. Sec. 113. as quoted in Sec. VII. of Regulation II. of 1827 and made applicable to cases of Revenue Default by Clause 7. Sec. XII. of Regulation XVII. of 1827, every possible means to be adopted to realize the amount of the demand.

In taking security, also, it is always to be ascertained that the person becoming security, has property in the zillah.

With reference to the power to execute all manner of lawful process of arrest &c. &c. vested in the Sudder Dewanee Adawlut by the Provisions of 53, George III, Chapter 155, Section 113, quoted in Section VII, Regulation II of 1827, and made applicable to cases of Revenue Default by Clause 7, Section XII, Regulation XVII, which provides, that the Collector's order, stating the amount due by the defaulter, and directing its realization, shall occupy in all respects the place of a Judicial Decree, I am directed by the Judges of the Sudder Dewanee Adawlut to request your particular attention, that every means be used for the realization of the amount in default, previous to having recourse to the Sudder Dewanee Adawlut for its process of arrest, and that you will be careful that application is not made in doubtful or trivial cases, and more especially that in taking security, you always ascertain that the person becoming security, has property in the Zillah,

I have &c.

(Signed) R. T. WEBB,

Actg. Register.

Bombay, Sudder Dewanee Adawlut,
26th November 1829.

To THE ZILLAH JUDGES.

SIR,

No. 38.

Great discretion to be enjoined on the Native Commissioners in striking off the file original suits.

The attention of the Judges of the Sudder Dewanee Adawlut having been drawn to the large proportion of original suits that appear, from the Civil Returns, to be struck off the file on default by the Native Commissioners, and considering the great hardship, vexation and expense to which this mode of proceeding must give rise, under the unlimitted Jurisdiction conferred upon the Commissioners, unless exercised with the utmost caution and forbearance which the Regulations will admit of, I am directed by them to

request, you will issue an order to each of the Commissioners in your Zillah, enjoining them to observe a discreet exercise of this power, and in all cases to grant the fullest latitude, that circumstances will admit of, to the provisions of Clause 2nd, Section XXI, Regulation IV of 1827.

I have &c.

(Signed) R. T. WEBB,
Actg. Register.

Bombay, Sadder Dewanee Adawlut,
28th July 1830.

To THE ZILLAH JUDGES AND COLLECTORS.

SIR,

No. 39.

The greatest care to be taken by all Native Functionaries, having charge of documents filed in Civil Actions, that the same are not falsified or otherwise injured, whilst in their custody.

The attention of the Judges having been drawn to instances where documents filed before native functionaries, in civil actions, have been falsified and otherwise injured whilst in their custody, I am directed by the Judges of the Sudder Dewanee Adawlut, to call your attention to the subject, and to request you will issue particular instructions to all persons under you, so intrusted with the public Records, requiring their particular attention to this most important part of their duty, and informing them, that any negligent conduct on their part, which may tend to irregular access to papers by persons who may make alteration in them or withdraw them, will be visited with severity, as in all instances they are held answerable for the proper and secure custody of all papers and records connected with their Office.

You will be pleased to give these directions to your Assistant at the detached station of. ———,

I have &c.

(Signed) R. T. WEBB,
Actg Register.

Bombay, Sudder Dewanee Adawlut,
31st August 1830.

To THE ZILLAH JUDGES.

SIR,

No. 40.

Pointing out an error existing in Clause 1st Sec 1. of Regulation XII. of 1830.

I am directed by the Judges of the Sudder Dewanee Adawlut, under instructions from Government, to point out an error which appears in Clause I, Section I, Regulation XII. of 1830. vizt. that " the amount" instead of " ten times the amount" of one year's assessment, is inserted, and to request, that you will cause it to be rectified in all the copies transmitted to your department.

I have &c.

(Signed) R. T. WEBB.
Actg. Register.

Bombay, Sudder Dewanee Adawlut,
6th October 1830.

To THE ZILLAH JUDGES.

SIR,

No. 41.

Whenever a Komavishdar and Native Commissioner are stationed at the same place, the balances in the treasury, and dead stock in charge of the former, is to be monthly examined by the latter, and a report made to the Collector or Sub-Collector.

I am directed by the Judges of the Sudder Dewanee Adawlut, under instructions from the Hon'ble the Governor in Council, to inform you, that, for the prevention of the temporary abstraction of the balances in the district treasuries, and for the preservation of public dead stock placed under the charge of the Komavishdars, it has been determined that whenever Civil Commissioners and Komavishdars are stationed at the same place, the treasuries and dead stock in charge of the Komavishdars, shall be examined monthly by the Native Commissioners, who are afterwards to forward to the Collector or Sub-Collector, a report of the same under their signatures: you will therefore be pleased to issue the necessary directions to the several Native Commissioners so circumstanced, within your jurisdiction.

A copy of these instructions should also be transmitted to your Assistant at the detached station of ———, for his guidance.

I have &c.

(Signed) R. T. WEBB,

Acting Register.

Bombay. Sudder Dewanee Adawlut, 7th March 1831.

To THE JUDGES AND MAGISTRATES.

SIR,

No. 42.

Mooktears duly appointed, can, as well as the principal, appoint Wakeels to carry on a suit or appeal.

THE Sudder Dewanee Adawlut, and Sudder Foujdaree Adawlut have ruled that Mooketars generally duly and sufficiently appointed, under a written authority, authenticated by a public Officer, by their principals to carry on any business connected with a suit or appeal, can appoint a Wakeel to carry on such suit or appeal, in the same way and to the same purpose as the principal himself.

I have &c.

(Signed) P. W. LEGYT,

Acting Register.

Bombay, Sudder Dewanee Adawlut 20th April 1831.

To THE ZILLAH JUDGES

SIR,

No. 43.

Deposits to be placed in the hands of the Nazir, and all sums exceeding Rs. 100 to be transmitted to the Collectors treasury.

I am directed by the Judges of the Sudder Dewanee Adawlut, under instructions from the Right Hon'ble the Governor in Council, to inform you, that, for the better security of public money, his Lordship has been pleased to direct that deposits shall be placed in the custody of the Nazir (from whom security is taken according to the Regu-

lations) and that when the cash in his hand exceeds the sum of Rupees (100) one hundred, it shall be transferred to the Collector's Treasury.

The Judges also request you will ascertain whether the amount of deposits in your Office (and also that of your detached Assistant) corresponds with the account you have received, and report thereon, at your earliest convenience, for the information of the Court.

I have &c.
(Signed) R. T. WEBB,
Acting Register.

Bombay, Sudder Dewanee Adawlut, 7th June 1831.

To THE ZILLAH JUDGES.

No. 44,

Senior assist. judges at detached stations, vested with the powers delegated to judges by Clause 2d, Section LV. of Regulation IV. of 1827, and also with those specified in Clauses 1, 2, 3, and 4 of Sec LXXXVIII. of the same Regulation, in cases in which the appeal lies direct from the assist. judge to the Sudder Dewanee Adawlut.

I am directed by the Judges of the Sudder Dewanee Adawlut, under instructions from the Right Hon'ble the Governor in Council, to inform you, that Government has been pleased, in conformity with Clause 2nd, Section XXVIII, Regulation II, A. D. 1827, to vest the Senior Assistant Judges at detached Stations with the powers delegated to Judges under Clause 2nd, Section LV, Regulation IV, A. D. 1827, and also with those under Clauses 1. 2. 3. and 4, Section LXXXVIII, of the aforesaid Regulation, in all cases when the Appeal lies direct from the Assistant Judge's decision to the Sudder Dewanee Adawlut.

I have &c.
(Signed) R. T. WEBB,
Acting Register.

Bombay, Sudder Dewanee Adawlut, 15th September 1831.

To THE ZILLAH JUDGES.

SIR,

No. 45.

Calling for a report as to whether the public have sufficient facility afforded them of making themselves acquainted with the Regulations, and requesting suggestions for the furtherance of the above object.

I am directed by the Judges of the Sudder Adawlut, under instructions from the Right Hon'ble the Governor in Council, to request, you will report, whether the people in your Zillah have sufficient facility for making themselves acquainted with the Regulations of Government, and suggest for the information of his Lordship in Council, any mode you may deem advisable for promoting this highly essential measure.

I have &c.
(Signed) R. T. WEBB,
Acting Register.

Bombay, Sudder Adawlut, 15th December 1831.

To THE ZILLAH JUDGES.

SIR,

No. 46.

No per-centage on sales in execution of decrees; or other emo-

It having attracted the notice of the Judges of the Sudder Dewanee Adawlut, that Nazirs of the Zillah Courts have in some Zillahs been allowed to receive a per-centage

luments, excepting the authorized batta, to be allowed either to the Nazir or any of the Officers in the Adawlut Establishment.

upon the amount of sales of property in execution of Decrees, they direct me to acquaint you, that such a practice is wholly unauthorized, and that in future, on no account is the Nazir or other Officer on the Adawlut establishment, to receive any per-centage or other emolument (the authorized Batta excepted) for the performance of such duty.

You will be pleased to convey these instructions to your Assistant at the detached station of ———— .

I have &c.
(Signed) R. T. WEBB,
Acting Register.

Bombay, Sudder Dewanee Adawlut, 5th Jan. 1832.

To THE ZILLAH JUDGES.

SIR,

No. 47.

Jurisdiction of the Adawlut not to extend to the Rajah of Sattara or his Followers, when on a visit in the British Territory.

I am directed by the Judges of the Sudder Dewanee Adawlut, under instructions from the Right Hon'ble the Governor in Council, to state for your information and guidance, that the Jurisdiction of the Court of Adawlut does not extend over His Highness the Rajah of Sattara and his Followers during such time as His Highness may be on a visit in the British territories.

You will be pleased to convey these instructions to your Assistant at the detached station of ———— .

I have &c.
(Signed) R. T. WEBB,
Acting Register.

Bombay, Sudder Dewanee Adawlut, 26th Jan. 1832.

To THE ZILLAH JUDGES.

SIR,

No. 48.

Unless in absolutely necessary instances, no appeals to be referred to native judges.

With reference to Clause 1st, Section III, Regulation XVIII, A. D. 1831, I am directed by the Judges of the Sudder Dewanee Adawlut to inform you, that it having been considered desirable, that appeals should, as far as possible, be determined by European Judges, the Right Hon'ble the Governor in Council has been pleased to direct, that no appeals should be referred to the Native Judges, unless you are fully convinced of the necessity for so doing.

I have &c.
(Signed) W. E. FRERE,
Assist. Register.

Bombay, Sudder Dewanee Adawlut, 13th April 1832.

To THE JUDGES, COLLECTORS AND SUB-COLLECTORS.

No. 49.

Security Bonds, framed in conformity with Appendix O. Regulation IV. of 1827, to be drawn out more by the English Version of the Regulation than the

It having lately been urged by a party standing security for costs in an appeal before this Court, that the terms of the security bond drawn out agreeably to the Goozerathee version of the form marked O in the Appendix to Regulation IV of 1827, did not subject him to a liability for all costs awarded in such appeal, but only the costs incurred in the appeal, I am directed by the Judges of the Sudder Dewanee Adawlut, in referring

you to the Marathee and Goozerathee versions of the code, to inform you, that though in the part alluded to, they are susceptible of a meaning conformable to the original, which sets forth, that the security is to be responsible "for all such costs as may be awarded against the party in an appeal," yet, that there is an ambiguity in the rendering, which it becomes desirable on all future occasions, when drawing out security bonds in appeal, to avoid, and which you are accordingly directed to remove, by adhering more closely than the translation does, to the original.

Marathee or Goozerathee, the latter being susceptible of a wrong construction.

I have &c.

(Signed) H. YOUNG,

Bombay, Sudder Dewanee Adawlut, 16th Oct. 1832. *Acting Register.*

To THE ZILLAH JUDGES.

SIR,

No. 50.

The Sudder Dewanee Adawlut not having, as required in Clause 1st, Section XLVIII of Regulation II of 1827, the means of ascertaining the character of many who apply to the Court to be examined and admitted as Pleaders, I am directed to inform you, that no one will hereafter be admitted as a candidate for the situation of Pleader, who does not produce a certificate of respectability from the Judge or Assistant in charge of the Adawlut of the Zillah in which he resides or wishes to practise.

Judges & Assistant Judges to grant, on application being made and after due inquiry, certificates of respectability to parties wishing to undergo the examination enabling them to practice as pleaders.

You are therefore requested to grant to persons applying for the same, a document of that description, after having fully satisfied yourself they are entitled to it.

You will be pleased to convey these instructions to your Assistant at the detached station of ———.

I have &c.

(Signed). H. YOUNG,

Bombay, Sudder Dewanee Adawlut, 13th Nov. 1832. *Acting Register.*

To THE ZILLAH JUDGES.

SIR,

No. 51.

I am directed by the Sudder Dewanee Adawlut to request you will cause the following Rule to be invariably observed by all Magisterial Officers under your authority, on occasion of public sales, in execution of decrees, vizt. that when a sale is, for any cause under Clause 2d, Section 67, Regulation IV of 1827, deferred, it shall not subsequently take place, till after a fresh notification of the time and place, (which time shall not be less than the original number of days) has been publicly made.

When a sale in execution of a decree is deferred, the same shall not take place until after a fresh Notification of the time and place has been made, the time never to be less than the original number of days.

I have &c.

(Signed) H. YOUNG,

Bombay, Sudder Dewanee Adawlut, 19th Nov. 1832. *Acting Register.*

To THE ZILLAH JUDGES.

SIR,

No. 52.

The strictest superintendence to be exercised over Nazirs and other officers of trust. Their accounts also to undergo a periodical examination.

The investigation that has been held into the affairs of the late Nazir at Poonah, having brought to light much blamable disorder and confusion in the department, both of account and deposits, and the final settlement of claims being attended, in consequence, with much difficulty and delay, as well as probable loss to the parties concerned, I am directed by the Sudder Dewanee Adewlut, under instructions from Government, to apprize you of the circumstance, and to enjoin upon you the necessity of maintaining the strictest superintendence over the Nazir and other Officers of trust under your controul, and of seeing, in particular, that all the requisite accounts are properly kept and brought up from day to day, which can only be ensured by periodical examinations of them by the Head of the department or his Assistants.

I have &c.
(Signed) H. YOUNG,
Register.

Bombay, Sudder Dewanee Adawlut, 11th Feb. 1833.

To THE ZILLAH JUDGES.

SIR,

No. 53.

Forwarding the opinion of the Advocate General at Bengal as to the construction to be put on 107 Sec. 53, Geo. III. Clause 155, with reference to Plaintiffs and defendants in the Zillah Courts, being British born subjects.

I am directed by the Judges of the Sudder Dewanee Adawlut, to forward for your information the accompanying copy of an opinion by the Advocate General at Bengal, on the construction to be put upon 107 Section 53 George III, Clause 155, with reference to Plaintiffs and Defendants in the Zillah Courts, being British born subjects.

I have &c.
(Signed) H. YOUNG,
Register.

Bombay, Sudder Dewanee Adawlut, 2d March 1833.

OPINION.

This is a case of considerable difficulty, but after the best attention which I can give to the subject, I feel myself obliged to dissent from the opinion expressed by Mr. Spankie and Mr. Fergusson. It is true that the Preamble in Section 105, of the 53 Geo. III, 155 would seem to limit the object of the subsequent Enactments to bo redress of injuries done to the Natives, either such as are accompanied by force, or arise out of civil controversies. The provisions of Sections 105 and 106 are in furtherance of this apparent object. But an enacting Clause may go further than a preamble, and supposing the preamble in Section 105, applicable to Section 107, yet the latter is, I think, so explicit, as not to require explanation from any other. By it, British subjects (under certain restrictions) are declared subject to the Jurisdiction of Courts in the Mofussil, in the like manner as Natives of India. It appears to me that this is expressed in terms too general to be limited by those of the Preamble in the 105 Clause. They are in themselves intelligible and plain. They also afford ground for believing, that in the provisions of Section 107, the legislature had further views than that of redressing injuries offerred to the Natives of India. I think a perusal of the whole of Section 107 will lead to

this conclusion. I will only add, that I am confirmed in thinking, that Section 107 applies to cases in which both Parties are British subjects, and is not confined to those in which a British subject is the Defendant, and a Native of India the Plaintiff, by the Clause, which follows next in order ; for it will be seen that Section 108 provides, that a British Subject, not in the service of the King or the United Company, residing, as in the former Clause, at the distance of more than ten miles from the Presidency, must produce a certificate of residence, and deposit it in the Civil Court of the District, "before" he shall be allowed to have or maintain a " Civil Action" in it. In other words, he is to act in the manner prescribed, before he can be the Ptaintiff in a suit. This Clause is explanatory of the preceding, and upon a view of them taken together, I feel little doubt that the construction I have given to them is correct. They contemplate, as I think, that a British subject may be either a Plaintiff or a Defendant in a cause.

Upon the whole, I am of opinion, that under Section 107 both parties to a suit, may be British subjects.

If I understand it right, this is the only point on which the Court of Sudder Dewanee Adawlut is desirous of my opinion.

(Signed) J. PEARSON,

(True Copy.)

(Signed) A. PANLIN.
Attorney to the Hon'ble Company.

(True Copy)

(Signed) J. F. M. REID,
Register.

To THE ZILLAH JUDGES.

SIR,

No. 54.

All opium & stamped paper in charge of Komavisdar to be examined monthly by the Native Commissioners

With reference to the Court's circular, dated the 7th of March 1831, I am directed by the Judges of the Sudder Dewanee Adawlut, under instructions from the Right Hon'ble the Governor in Council, to inform you, that all opium and stamped paper, in charge of the Komavisdars, should be examined monthly by the Native Commissioners.

A copy of these instructions should also be transmitted to your Assistant detached at ———— for his guidance.

I have &c.

(Signed) P. W. LEGEYT,
Acting Register.

Bombay, Sudder Dewanee Adawlut, 30th July 1833.

To THE JUDGES, ASSISTANT JUGDES, COLLECTORS AND SUB-COLLECTORS.

SIR,

No. 55.

Forwarding copy of a letter from the Supreme Government with enclosures, relative to the cognizance by the Company's Court in the mofusil, of suits in which both parties are British born subjects.

I am directed by the Judges of the Sudder Dewanee Adawlut to forward for your information and guidance, copies of a letter from the Secretary to the Supreme Government, dated 3rd June 1833, with its enclosures to the address of Mr. Secretary Bax, in the Judicial Department, on the subject of the competency of the Company's Courts in the Mofusil, to take cognizance of Civil Suits in which both parties are European British subjects.

I have &c.
(Signed) H. YOUNG,
Register.

Bombay, Sudder Dewanee Adawlut, 7th Sept 1833.

No. 1369.
To JOHN BAX Esq.
Secy. to Govt.
Bombay.

SIR,

I am directed by the Right Hon'ble the Governor General in Council to acknowledge the receipt of your letter dated the 3rd ultimo, and to forward to you copies of the undermentioned Circular Letters issued by the Court of Sudder Dewanee Adawlut, in which the opinions of the former and present Advocate Generals are included, on the subject of the competency of the Provincial Zillah and City Courts, to take cognizance of Civil Suits in which both parties are European British subjects, vizt.

Copy of a letter addressed to the Provincial Court of Appeal, under date the 9th March 1818, and its enclosures.

Copy of a letter addressed to the Zillah, City and Provincial Courts and Commissioners of Appeal, under date the 25th February 1833, and its enclosure.

I have &c.
(Signed) C. MACSWEEN,
Secy. to Govt.

Fort William, the 3rd June 1833.

No. 15.
March 9th 1818.

To THE SEVERAL PROVINCIAL COURTS OF APPEAL.

A question having arisen whether the Provincial, Zillah, and City Courts are competent, under the provisions of 107th Section of the Act 53. George III. Chapter 155, to take cognizance of Civil Suits in which both parties may be European British Subjects, the Court of Sudder Dewanee Adawlut deemed it proper, to refer the point for the opinion of the Advocate General; and I am now directed to transmit for your information and guidance, the enclosed copy of a letter from the late Officiating Advocate General, dated the 28th January last, together with an Extract of a further letter from the present Advocate General, dated the 7th Instant.

You are desired to communicate the above to the several Judges in your Division, for their information and guidance.

Copy of a letter from the Officiating Advocate General, dated the 28th January 1818, to the Deputy Register to the Court of the Dewanee Adawlut.

" In reply to your letter dated the 14th Instant, I have to request, that you will communicate to the Judges of the Court of Sudder Dewanee Adawlut my opinion, that the " provisions of the 107th Section of the Act 53. George III. Chapter 155, apply to, " and are confined to cases, when the defendant is a British Subject, and is sued by a " Native, or other person exclusively amenable to the Country Courts. I form m " opinion chiefly on the recital and preamble to the 105th Section, which I considy " to be equally applicable to the 106th and 107th Sections, in which the cases of " civiler " controversies" (when the party seeking redress is a Native) are provided for, and " which were contemplated in that recital and preamble and in the provision of the 107th " Section, representing appeals, which clearly relates to appeals, of British Subjects, defendants, and does not provide for cases of appeal on the part of British Subjects, " plaintiffs. It is true, that the 107th Section does not contain the restrictive words " contained in the 105th and 106th, and that the word " Natives" does not occur in " it ; but I concieve that the three Sections must be considered as one enactment, calculated to meet the same evil.

" I therefore think that a British Subject cannot be impleaded by another British Subject in any of the Country Courts, and that the law on the subject stands as it did " previously to the passing of the Act in question."

Extract of a letter from the present Advocate General, dated the 7th Instant. (March 1818.)

" I agree in opinion with Mr. Fergusson upon the point to which he has addressed his " answer to Mr. Wynch's letter of the 14th January: the only thing which created any " doubt in my mind, was the very comprehensive terms in which it is enacted in Section " 107. that British Subjects shall be subject to the jurisdiction of all Courts, &c. in " like manner as Natives of India and other persons, not British Subjects, are now liable " to the jurisdiction of the said Courts. Natives, and persons so subject, may undoubtedly " sue each other mutually, yet taking the whole scope of these three Sections 105 106 " and 107 together with the clause of appeal, I think that British Subjects are made liable " to the jurisdiction of the said Courts in the cases provided for, that is, in respect of such " suits and controversies by Natives, &c. as are referred to, but not conversely in actions " in respect of claims of British Subjects between themselves. British Subjects receive no " new privilege of suit as plaintiffs: they are only rendered liable to be made defendants, " in cases in which they were before exempt from the jurisdiction.

Judicial Department.

The 3d June 1833,

(True copy.)

(Signed) C. MACSWEEN,
Secy. to Govt.

(True copy.)

(Signed) JOHN BAX,
Secy. to Govt.

(Copies.)

CIRCULAR.

To THE ZILLAH, CITY AND PROVINCIAL COURTS, AND COMMISSIONERS OF APPEAL,

Lower Provinces.

In pursuance of the orders of Government, under date the 15th Instant, I am directed to transmit to you, for your information and future guidance, the accompanying copy of an opinion of Mr. Advocate General Pearson, on the subject of the competency of the Provincial, Zillah, and City Courts to take cognizance of civil suits in which both parties are European British subjects, and to request, that you will consider the construction contained in the Circular Order of the Court, under date 9th March 1818 (No. 15, Part 2 of Volume 1st, Baptist Mission Press Edition) to be superseded.

I am &c.

(Signed) J. F. M. REID,

Fort William, the 25th January 1833. *Register.*

OPINION.

" This is a case of considerable difficulty, but after the best attention which I can give " to the subject, I feet myself obliged to dissent from the opinion expressed by Mr. " Spankie and Mr. Fergusson. It is true that the preamble in Section 105, of the 53rd " George 3. 155, would seem to limit the object of the subsequent enactment to the re- " dress of injuries done to the Natives, either such as are accompanied by force, or arise " out of civil controversies. The provisions of Sections 105 and 106, are in furtherance " of this apparent object, but an enacting Clause may go further than a preamble, and sup- " posing the preamble in Section 105 applicable to Section 107, yet the latter is, as I " think, so explicit, as not to require explanation from any other. By it, British Subjects " (under certain restrictions) are declared subject to the jurisdiction of Courts in the Mo- " fussil, in the like manner as Natives of India. It appears to me, that this is expressed " in terms too general to be limited by those of the preamble in the 105th Clause. They " are in themselves intelligible and plain. They also afford grounds for believing, that in " the provision of Section 107 the legislative had further views than that of redressing in- " juries offered to the Natives of India. I think a perusal of the whole of Section 107, will " lead to this conclusion. I will only add, that I am confirmed in thinking that Section 107 " applies to cases in which both parties are British Subjects, and is not confined to those in " which a British Subject is the defendant and a Native of India the Plaintiff, by the Clause " which follows next in order, for it will be seen that Section 108 provides, that a Britishe " Subject (not in the service of the King or the United Company) residing, as in the former " Clause, at the distance of more than Ten Miles from the Presidency, must procure a " Certificate of residence and deposit it in the Civil Court of the District, " before" he shall " be allowed to have or maintain a " Civil Action" in it. In other words, he is to act in the " manner prescribed, before he can be the Plaintiff in a suit. This Clause is explanatory " of the preceding, and upon a view of them, taken together, I feel little doubt that the

" construction I have given to them is correct. They contemplate, as I think, that a " British Subject may be either a Plaintiff or a Defendant in a cause."

" Upon the whole, I am of opinion, that under Section 107, both parties to a suit may be " British Subjects.

" If I understand it right, this is the only point on which the Court of Sudder Dewanee " Adawlut is desirous of my opinion.

(Signed) J. PEARSON,

To THE ZILLAH JUDGES.

SIR,

No. 56.

Forwarding opinion of the Advocate General on the competency or otherwise of Civil Courts to attach the arrears of pay due to a Native Officer in satisfaction of claims against his estate.

A question having arisen, whether a Civil Court was competent to direct the attachment of arrears of Pay due to a Native Officer (Havildar) deceased, to answer claims made upon his estate, it was thought desirable to refer the question for the opinion of the Advocate General.

I am directed by the Judges of the Sudder Dewanee Adawlut to forward, for your information and guidance, copy of a letter from Mr. LeMessurier, the Advocate General, dated the 21st September last, declarative of his opinion of the law on the point, which is related to, but considered distinct from that to which the principles of Mr. Advocate General Hammond's reasoning apply, in his letter dated the 16th January 1830.

No. 43 of 1833.

To, JOHN BAX Esq.

Secy. to Govt.

SIR,

I have the honor to acknowledge the receipt of your letter of the 19th instant, referring to the late Advocate General Mr. Hammond's letter of the 16th January 1830, and transmitting for my opinion, copy of a letter from the Sudder Adawlut dated the 13th instant, and of its enclosures, respecting the attachment of deceased Officer's Pay.

The case submitted to me differs entirely from the case in which Mr. Hammond gave his opinion. The pay of an Officer is not assignable by law, for certain reasons of public policy, but those reasons cease (and with them the law founded on them) upon the decease of the Officer, and arrears of Pay due to him at the time of his death, are a debt due by Government to his estate, and liable to the claims of creditors.

I am therefore of opinion, that the arrears of Pay due to the deceased Havildar referred to in the correspondence, are applicable to the payment of his debts, of his Regimental debts however in the first instance, under the Articles of War and Military Regulations.

I have &c.

(Signed) A. S. LEMESSURIER.

Advocate General.

21st September 1833.

True copy.

(Signed) J. BAX.

Secy. to Govt.

To THE JUDGES AND SESSION JUDGES.

SIR,

No. 57.

In forwarding commissions to Government for the purpose of procuring the evidence of the subjects of foreign states, the nature of the information required and other particulars may always be stated.

I am directed by the Judges of the Sudder Dewanee and Sudder Foujdaree Adawlut, under instructions from Government, to request, that whenever you may have occasion to solicit the assistance of Government to obtain answers, on the commission enclosed by you, from the subjects of a Foreign Court, you will state the names of the persons who are to furnish and receive the information required, and the places of their residence, as also the nature of the information, as it may possibly happen that there may be objections to Government moving in the case.

I have &c.

(Signed) P. W. LEGEYT,
Register.

Bombay, Sudder Dewanee and Suddur Foujdaree Adawlut, 25th April 1834.

To THE ZILLAH JUDGES.

SIR,

No. 58.

Requisitions made by Collectors or their Assistants on deputation for the services of Native Commissioners as Members of Committees for the examination of Sheikdars always, if possible, to be complied with. Native Revenue and Judicial Officers when acting in concert to take rank according to dates of appointments.

It having been deemed expedient by the Right Hon'ble the Governor in Council, that Sheikdars should pass examinations to ascertain their qualification for public service, and as it is desirable that Native Commissioners should be associated with the Revenue Officers composing the Examination Committee, I am desired by the Judges of the Sudder Dewanee and Suddur Foujdaree Adawlut, under instructions from Government, to direct, that you will attend to any requisitions made on you by the Collector or his Assistant on deputation, for this useful object, whenever such requisition can be complied with, and the discharge of the Commissioner's regular duties not be obstructed.

In order to guard against any misunderstanding between the Native Judicial and Revenue Functionaries, when acting in concert, it is to be understood, that they are to take precedence according to the dates of their respective appointment.

You will be pleased to communicate these instructions to your Assistant at the detached station of ———

I have &c,

(Signed) P. W. LEGEYT,
Register.

Bombay, Sudder-Dewanee Adawlut, 26th July 1834.

To THE ZILLAH JUDGES.

SIR,

No. 59.

Forwarding the opinion of the Court as to how far the property of a Farmer holding a

I am directed by the Judges of the Sudder Dewanee Adawlut, under instructions from Government, to inform you, that the Judges have declared, that a Farm such as that granted by the Collector, under Section LX, Clause 1st, Regulation XXI, 1827,

does not constitute such a property as can be attached by process of the Adawlut, if by such act the Farm is to be taken out of the Farmer's hand, and to be managed by any perons the Adawlut may appoint.

Farm under Clause 1st Sect. LX. of Reg. XXI. of 1827, is liable to attachment by process of the Adawluts.

Whatever property however may be on the premises of the Farmer as his own, whatever monies he may have derived as duties, may, the Judges are of opinion, be attached, but they do not consider the Adawlut could authorize the collection of any other of those duties.

The Judges consider that the monies which may be in the hands of the Farmer, realized from collections, may be attached, because having given security and being under engagement to make good specific instalments, the Collector has claim only to these, and it is only on failure of due payment, that he can act or interfere, the collections being, mean while, the Farmer's own, and his property.

In respect to spirits that may be in the Farmer's possession, the Adawlut cannot, if attaching, make over such property to another to sell, unless the persons put in possession, have either the Collector's or Farmer's licence for the purpose.

I have &c.

(Signed) P. W. LEGEYT.

Register.

Bombay, Sudder Dewanee Adawlut }
28th July 1834. }

To THE ZILLAH JUDGES,

SIR,

No. 60.

Forwarding Forms of the official titles & address to be used by Covenanted Servants in addressing the different grades of native commissioners.

The Supreme Government having prescribed the forms of address and titles to be used in Official Communication with the different grades of Native Judges under the presidency of Bengal, and the Right Hon'ble the Governor in Council having resolved to adopt the system, prescribed to be observed in Bengal, to this Presidency, I am directed by the Judges of the Sudder Dewanee Adawlut, to forward Forms of the Official Titles and Address by which the different Grades of Native Commissioners are to be addressed, and to inform you, that they are to be considered the Official Titles and Forms of address of each of the specified grades, and to be used by all the Covenanted Servants of the Government whenever they have occasion to address any written communication to the Officers concerned.

You are directed to circulate these orders for the instructions and guidance of your subordinate authorities.

I have &c.

(Signed) P. W. LEGEYT,

Register.

Bombay, Sudder Dewanee Adawlut, 15th August, 1834. }

No. 1687 of 1834.

Judicial Department.

TO JAMES SUTHERLAND ESQ. AND JUDGES OF THE COURTS OF SUDDER DEWANEE AND SUDDER FOUJDAREE ADAWLUT,

GENTLEMEN,

I am directed by the Right Hon'ble the Governor in Council, to transmit to you the accompanying copy of the 3rd part of vol. II. of Circular Orders of the Nizamut Adawlut of Calcutta from the 30th December 1832.

2d. His Lordship in Council having resolved to adopt the system prescribed to be observed in Bengal by the Circular Order No. 128, page 125 of the last publication of 1832 by the Nizamut Adawlut, has accordingly modified it so as to adopt it to the local circumstances of this Presidency, and has directed me to forward to you forty copies of the accompanying Forms No. 1 and 2, being in the Goojeerattee and Marattee languages, and to instruct you to circulate them to the several Zillah Judges, in like manner as has been done from the Sudder Adawlut at Calcutta, as per their Circular No. 128 above alluded to, to which you are referred.

I have &c.

(Signed) W. H. WATHEN,
Secy. to Govt.

Bombay Castle, 23rd July, 1834.

FORMS OF ADDRESS AND TITLES TO BE USED IN ALL COMMUNICATIONS WITH THE NATIVE JUDICIAL OFFICERS.

Rank of the Officers.	*Address.*	*Title.*
NATIVE JUDGE.		
If Christian	Sir	Esq.
लिआकतवअहलियतमाआब	खानबाहादुर सलमहु आल्लातालाः	खानबाहादुर
" Mahomedan—Leakut wu Uhuleeut Maab.	Khan Bahadoor Sulmhoo Ullah taalla.	Khan Bahodoor.
लिआकतवअहलियतमाआब	रावबाहादुर सलमहु आल्लातालाः	रावबाहादुर
" Hindoo—Leakut wu Uhuleeut Maab.	Rao Bahadoor, Sulmhoo Ullah taalla.	Rao Bahadoor.
PRINCIPAL NATIVE COMMISSIONER.		
If Christian	Sir	Esq.
रफाअत व आवाली मंजिलत	खानसाहेब सलमहु	खानसाहेब
" Mahomedan—Rifaut wu Awalee Munzelut.	Khan Saheb Sulmhoo.	Khan Shaeb.
रफाअतव आवाली मंजिलत	रावसाहेब सलमहु	रावसाहेब
" Hindoo—Rifaut wu Awalee Munzelut.	Rao Shaeb. Sulmhoo.	Rao Shaeb,
JUNIOR NATIVE COMMISSIONER.		
If Christian.	Sir	Mr.
दयानत व आमानत फन्हा	अजम बाआफियत बाशंद	अजम
" Mahomedan—Dyanut wu Umanut punha	Azim Baufeeut Bashund	Azim.
दयानत व अमानत पन्हा	अजम बाआफियत बाशंद	अजम
" Hindoo—Dyanut wu Umanut punha	Azim Baafeeut Bashund	Azim

To THE ZILLAH JUDGES.

SIR,

No. 61.

Enjoining care in the translations of the proceedings in appealed Cases, and declaring that any neglect will be visited with animadversion both on the Officer certifying the record, and also on the Superior, whose duty it is to see that the business is properly performed.

The Court of the Sudder Dewanee Adawlut having had occasion repeatedly to observe great incorrectness and extreme carelessness in the translations of Proceedings transmitted with appealed cases, I am directed to draw your attention to the subject, and have to intimate that continuance of such neglect, will not only cause animadversion on the Officer who certifies the record, but also on the official Superior on whom it is incumbent to see, that those under his authority, fulfil their duties in a proper manner.

I have &c.

(Signed) P. W. LEGYT,

Register.

Bombay, Sudder Dewanee Adawlut, 29th August 1834.

To THE ZILLAH JUDGES.

SIR,

No. 62.

Forwarding Copy of a Notification relative to Appeal Cases to His Majesty in Council from the decisions of the Court of Sudder Dewanee Adawlut.

I am directed by the Judges of the Sudder Dewanee Adawlut, under instructions from the Right Hon'ble the Governor in Council, to forward for your general information, a copy of a Notification on the subject of hearing of the several Cases appealed or hereafter to be appealed to His Majesty in Council from the Courts of Sudder Dewanee Adawlut.

I have the honor to be, &c.

(Signed) P. W. LEGYT.

Bombay, Sudder Dewanee Adawlut, 2d September 1834. *Register.*

NOTIFICATION.

It is hereby notified for general information, that by the Provisions 3d and 4th of William IV of Clause 22d, Chapter XLI, it is enacted, that as various Appeals to His Majesty in Council from the Courts of Sudder Dewanee Adawlut at the several Presidencies of Calcutta, Madras, and Bombay, in the East Indies, have been admitted by the said Courts, and the transcripts of the Proceedings in Appeal have been from time to time transmitted under the seal of the said Courts, through the United Company of Merchants in England Trading to the East Indies, to the Office of His M's said Privy Council, but the suitors in the causes so appealed have not taken the necessary measures to bring the same to a hearing: That it shall be lawful for His Majesty in Council to give such directions to the said United Company and other persons, for the purpose of bringing to a hearing, before the said Committee, the several cases appealed or hereafter to be appealed to His Majesty in Council from the several Courts of Sudder Dewanee Adawlut in the East Indies and for appointing Agents and Counsel for the different parties in such appeals, and to make such orders for security and payment of the Costs thereof, as His said Majesty in Council shall think fit; and thereupon such appeals shall be heard and reported on to His Majesty in Council, and shall be, by His Majesty in Council, determined in the same manner, and the Judgments, Orders and Decrees of

His M. in Council thereon shall be of the same force and effect, as if the same had been brought to a hearing by the direction of the Parties appealing in the usual course of proceeding : Provided always, that such last mentioned Powers shall not extend to any appeals from the said Courts of Sudder Dewanee Adawlut, other than appeals in which no proceedings have been or shall hereafter be taken in England on either side for a period of two years subsequent to the admission of the Appeal by such Court of Sudder Dewanee Adawlut.

(Signed) P. W. LEGYT,
Register.

To THE ZILLAH JUDGES.

SIR,

No: 63.

Directing that the Native Commissioners examine on the first of each month the Treasuries of the Komavisdars, and report any deficiency within 24 hours.

I am instructed by the Judges of the Sudder Dewanee Adawlut to inform you, that the Right Hon'ble the Governor in Council has been pleased to direct, that the Native Commissioners, when they may reside at, or near the stations of the Mamlutdars in your Zillah, shall on the first of every month, ascertain and certify to you the amount of cash in the Mamlutdar District Cutchery, each Commissioner satisfying himself that the cash in the money bags and Treasure Chest, corresponds with the Treasury account of the day, of which, or of any difference or deficiencies he may observe therein, he is within 24 hours, to make his report to you.

I have &c.

(Signed) P. W. LEGEYT,
Register.

Bombay, Sudder Dewanee Adawlut, 27th December 1834.

To THE ZILLAH JUDGES.

SIR,

No. 64.

The native judicial Functionaries to be enjoined to be more concise in their Decrees, only bringing forward the material points of the Case and those on which the judgment rests.

I am directed by the Judges of the Sudder Dewanee Adawlut to request, you will bring to the notice of the Native Judicial Functionaries under your orders, the advantage which would be gained by their adopting a more concise mode of recording their Proceedings on Trial, so that the principal evidence and grounds on which the decision rests, should be more distinctly and prominently brought forward, out of the mass of matter that is generally found on the record.

I have &c.

(Signed) P. W. LEGEYT,
Register.

Bombay, Sudder Dewanee Adawlut, 10th January 1835.

To THE ZILLAH JUDGES.

SIR,

No. 65.

Roojamas & Chaders for the use of the Courts of the Native Commissioners to be furnished by themselves.

I am directed by the Judges of the Sudder Dewanee Adawlut, under instructions from the Right Hon'ble the Governor in Council, to inform you, that Roojamas and Chaders for the Courts of Native Commissioners must be provided by themselves, without putting Government to any expense on that account.

I have &c.
(Signed) P. W. LEGEYT,
Register.

Bombay, Sudder Dewanee Adawlut, 13th February 1835.

To THE ZILLAH JUDGES.

SIR,

No. 66.

Villages attached by process of a Court of Law to be made over to the care of the Collector.

I am directed by the Judges of the Sudder Dewanee Adawlut, under instructions from Government to request, you will in future, on a Village being placed in attachment under a process of your Court, make the same over to the Collector of the District, to be placed in his charge, instead of appointing a Carbary or Metha for that purpose.

I have &c.
(Signed) P. W. LEGEYT,
Register.

Bombay, Sudder Dewanee Adawlut, 27th March 1835.

To THE JUDGES, SESSION JUDGES, COLLECTORS AND MAGISTRATES.

SIR,

No. 67.

Batta to Troops employed in escorting treasure or at the requisition of Residents &c. only to be charged for the period the detachments may actually be moving, including the time occupied in receiving and delivering over charge of coin.

I am directed by the Judges of the Sudder Adawlut, under instructions from Government, to inform you, that the Right Hon'ble the Governor in Council has been pleased to direct, that the charge for Batta to Troops employed in escorting Treasure, or on Revenue or Judicial duty, or composing the Escorts of Residents, or Details employed at their requisition, should be restricted to occasions when actually travelling from one station to another, including detention for making over Coin, or when in movement on Revenue or Judicial duty.

2d. Civil authorities will limit their certificates accordingly, and on no account include or extend them to Troops when stationary as Guards at Treasuries, Cutcheries or Jails &c. whatever may be the time they are so employed.

I have &c.
(Signed) P. W. LEGEYT,
Register.

Bombay, Sudder Adawlut, 8th May 1835.

To THE ZILLAH JUDGES.

SIR,

No. 68. I am directed by the Judges of the Sudder Adawlut to inform you, that in summoning Revenue Officers of any description, due consideration should be had to the loss and inconvenience the public service may suffer from the absence of those Functionaries from their duties, and that when they are summoned to attend, they should be detained for as short a period as possible, and if by consent of the parties, their personal attendance can be dispensed with, it should.

Revenue Officers to be summoned as seldom and detained as short a time as possible, Komavisdar's evidence, except in extreme cases, being taken as directed in Clause 1st Section XXXIX, of Regulation IV of 1827.

2d. In respect to Komavisdars, whose duties are of such importance, that a suspension of them may be attended with the greatest public inconvenience, the Judges are of opinion, that except in cases of most peculiar emergency, their personal attendance, as witnesses in a civil suit, ought not to be required, but their evidence procured in the mode laid down in the latter part of Clause 1st, Section XXXIX of Regulation IV of 1827.

I have &c.

(Signed) P. W. LEGEYT,

Register.

Bombay, Sudder Adawlut,
16th May 1835.

To THE ZILLAH JUDGES, SESSION JUDGES, COLLECTORS AND MAGISTRATES.

SIR,

No. 69. I am directed by the Judges of the Sudder Adawlut, under instructions from Government, to request, that in future, all Contingent Bills be preferred on Foolscap paper, in order to avoid the inconvenience of sending into Government Contingent Bills on paper of different sizes.

All contingent bills to be furnished on Foolscap paper.

I have &c.

(Signed) W. E. FRERE.

Actg. Register.

Bombay, Sudder Adawlut,
21st January 1836.

To THE ZILLAH JUDGES AND SESSION JUDGES.

SIR,

No. 70. The sanction of Government having been obtained for the publication of all Interpretations of the Regulations, as they shall be declared by the Sudder Adawlut, in the Government Gazette, I am directed by the Judges of the Sudder Adawlut to request, you will furnish all your subordinates with accurate copies or translations, as the case may require, of each Interpretation as it shall appear, and inform them, that in future no plea of ignorance of an Interpretation will be considered by the Judges as any extenuation of, or excuse for, acts, which may hereafter appear, in their Proceedings, as militating against such Interpretations.

Copies in English or the native language, as the case may require, of the Interpretations of Regulations to be furnished to every Judicial Functionaries who are to be informed that no plea of ignorance of such interpretations will henceforth be held valid.

I have &c.

(Signed) W. E. FRERE,

Acting Register.

Bombay, Suddr Dewanee and Sudder Foujdaree Adawlut, 10th February 1836.

To THE ZILLAH JUDGES AND SESSION JUDGES.

SIR,

No. 71.

The temporary absence of the Assistant at the detached station invariably to be supplied by the Assistant Judge at the Sudder station.

I am directed by the Judges of the Sudder Dewanee and Sudder Foujdaree Adawlut to inform you, that the Right Hon'ble the Governor in Council has been pleased to establish it as a standing rule, that temporary absence of the Assistant Judge at a detached station shall be invariably supplied by the Assistant Judge at the sudder station, in order to prevent an office of so much importance falling into the charge of persons incompetent to discharge its duties.

I have &c.
(Signed) W. E. FRERE.
Actg. Register.

Bombay, Sudder Dewanee and Sudder Foujdaree Adawlut, 26th February 1836.

To THE ZILLAH JUDGES.

SIR,

No. 72.

Newly appointed Commissioners, to be placed in districts nearest the Hoozoor; those of longer standing & experience being sent to the most distant parts of the Zillah.

I am directed by the Judges of the Sudder Dewanee Adawlut to inform you, that the Right Hon'ble the Governor in Council is of opinion, that it would be a beneficial arrangement to station in the most distant parts of the Zillah, Commissioners of the greatest experience, so that those recently appointed should be as near as possible within the range from which the largest number of appeals are usually made, in order that the Judge may correct errors arising from inexperience or from other causes. By this means, newly appointed Commissioners will gain exprience on as sound principles as can be required, and be more likely in the end, to afford greater satisfaction when removed from the vicinity and constant supervision of the Judge.

The Judges therefore direct me to request your attention to these suggestions, and in cases, where the older Commissioners possess superiority of qualification and character, and the measure can conveniently be adopted, that you will take advantage of any opportunity that might offer to carry it into effect.

I have &c.
(Signed) W. E. FRERE,
Assist. Register.

Bombay, Sudder Dewanee Adawlut, 29th Fabruary 1836.

To THE ZILLAH JUDGES.

SIR,

No. 73.

Regulating the occasion on which applications for leave of absence should and should not be made by Native Judges & Commissioners.

I am directed by the Judges of the Sudder Dewanee Adawlut, under instructions from Government, to inform you, that if the Native Judges or Commissioners have no duty whatever to attend to during the period the Civil Court may be closed, the Governor in Council thinks there is no necessity for their applying for leave to spend the time where

they please, but if they have any duties for which they ought to be present, and an express grant of leave of absence is necessary, in that case they are to be considered as subject to the established rules.

I have &c.
(Signed) P. W. LEGEYT,
Register.

Bombay, Sudder Dewanee Adawlut,
10th May 1836.

To THE ZILLAH JUDGES.

SIR,

No. 74.

Directing the issue of new Sunnuds under Act XI. of 1836 to all the Native Judicial Commissioners under this Presidency.

As Act XI of 1836 became a law on the 1st of June 1836, the Governor in Council considers it necessary that the old Sunnuds should be cancelled, and new ones issued to all the Native Judicial Commissioners under the Presidency, agreeably to its provisions.

I am therefore directed by the Judges of the Sudder Dewanee Adawlut, to request you will submit a list of the Sunnuds required, when the Superintendant of Stamps will be directed to furnish a corresponding number of Stamps, the expense of which will be charged to Government.

I have &c.
(Signed) H. BROWN,
Acting Register.

Bombay, Sudder Dewanee Adawlut,
7th July 1836.

To THE ZILLAH JUDGES.

SIR,

No. 75.

Requiring in duplicate a statement of the present strength of the Adawlut Establishments, as well as a report of all future changes in situations affording higher emoluments than 30 Rs. per mensem.

I am directed by the Judges of the Sudder Dewanee and Sudder Foujdaree Adawlut, under instructions from Government to request, you will be pleased to furnish the Court with a statement in duplicate, shewing the present Establishment of your Court. I am further directed to request, that you will in future report all changes which may take place in it, that is, as low as the scale of carcoons receiving Rs. 30 per mensem or upwards.

I have &c.
(Signed) H. BROWN,
Acting Register.

Bombay, Sudder Dewanee and Foujdaree Adawlut,
9th July 1836.

TO THE COLLECTORS.

SIR,

No. 76.

Forwarding a blank Form in conformity with which the monthly Returns of Civil business disposed of is required to be furnished.

I am directed by the Judges of the Sudder Dewanee Adawlut to forward the accompanying Blank Form for the Monthly Return of Civil business disposed of in your department, and to request that you will adopt it in supercession of the one now in use.

I have &c.
(Signed) R. T. WEBB,
Acting Register.

Bombay, Sudder Dewanee Adawlut,
18th February, 1837.

MONTHLY ABSTRACT REGISTER OF CAUSES AND APPEALS DISPOSED OF AND REMAINING ON THE COLLECTORATE OF ——— FOR THE MONTH OF ———

AUTHORITY DECIDING.	ORIGINAL SUITS.												APPEALS.											
	Suits pending on the genl. File on the 1st of the month.	Instituted during the month.	Decided.	Remaining.	On the file of the several different Courts and referred in the month.	Decided on merits.	Dismissed and struck off without investigation.	Dismissed and struck off subsequent to some investigation.	Razenamahs previous to any investigation.	Razenamahs subsequent to some investigation.	Boundary dispute.	Total disposed in the month.	Remaining.	Appeals pending on the general File on the 1st of the month.	Instituted during the month.	Decided.	Remaining.	On the file of the several different Courts and referred in the month.	Decided on merits.	Dismissed and struck off without investigation.	Dismissed and struck off subsequent to some investigation.	Razenamahs previous to any investigation.	Razenamahs subsequent to some investigation.	Total disposed of in the month.	Remaining.	Miscellaneous petitions and motions on which orders are passed.
Surat File.																										
Prin. Collector Mr. J. Vibart. Assistant Collector, Mr. Koomavisdar A. ..... B.. .. .. of——																										
Ditto C. D. of——																										
Broach File.																										
Sub-Colr. Mr. R.C. Chambers, Koomavisdar A. B..... .. of ——																										
Ditto C. D. of——																										

To THE ZILLAH JUDGES.

No. 77.

SIR,

I am directed by the Judges of the Sudder Dewanee Adawlut, to transmit to you copy of a correspondence as per margin, and to request your attention to the subject of it generally, with the object of discovering and preventing similar abuses in the misapplication of Judicial powers, and should any be brought to light, to request you will report it to the Sudder Dewanee Adawlut.

Letter from the Judge of Surat 29th September 1836.
Court's answer 18th October.
Ditto letter to Government 1st December.

Forwarding copy of a correspondence relative to abuses existing in the Surat Adawlut & the means adopted to suppress them. Requesting also that similar frauds may be guarded against in every Zillah.

You will be pleased to convey these instructions to your Assistant at the detached station of ———

I have &c.

(Signed) R. T. WEBB,
Acting Register.

Bombay, Sudder Dewanee Adawlut, 22d April 1837.

To H. BROWN ESQ.

Acting Register to the Sudder Dewanee Adawlut.

Bombay,

SIR,

I beg you will do me the favor to lay before the Judges the following report, which a sense of duty compels me to forward.

2nd. Soon after I took charge of my Office in March last, I found myself oppressed with miscellaneous business, that occupied much more of my time than I could spare from other branches of my duties. The Petition Box which is daily opened, was always full. I found after a short time, that this press of business proceeded from a system of unsound litigation, where parties endeavoured to overreach each other, by every means of chicanery and fraud that could be resorted to, particularly in the execution of Decrees of the Civil Courts, so that the honest Suitor, who obtained a judgment in his favor, was as far as ever from procuring the legitimate object he set out with, and would probably be involved in delays and fresh actions, that in the end would tire him out with expenses and trouble.

3rd. To remedy this evil, I had only one means—A steady and strict observance of the measures prescribed by the Regulations; and in time, as it was found, imposition could not prevail, I was happy to see the system abandoned, my leisure for more important duties increased, and at this day the Petitions are few in number, and disposed of in a short time, while every one receives an answer on the day on which he makes his application, unless there is good cause for delay.

4th. The next trial of gross immorality that attracted my attention, proceeded from the very numerous Applications to sue as Paupers, under Regulation VI of 1827. I was aware that this once great City was in its decline, but I could not understand why there should be so many of these. There were actually 179 Applications under investigation when I took charge, in the hands of the Law Officers, and many of these had been before them for a year, and even a year and a half. The abuses in this department showed themselves at once, and led to great demoralization; for after the determination has been come to, to admit an application, the next step is to administer an oath to the party declaratory of his being a Pauper, and I verily believe this oath is taken with perfect indifference and without hesitation, to obtain the object of prosecuting or defending an action free of expense, and without the slightest reflection on the predicament in which they place themselves, of committing perjury. Indeed there was a manifest endeavour to evade the provisions of the Stamp Regulation, to the prejudice of the resources of Government in this department.

5th. The heavy duties that this state of things involved, led to the introduction of a sort of separate Court for Paupers, in which a portion of the establishment, that could not easily be spared, was daily employed in the investigations before the Law Officers.

6th. This mode of proceeding was part of that system of fraud, that has too often been supported by forgery and perjury, crimes that I grieve to say, have been prosecuted in as open and common a manner, as the promotion of just claims by fair means. It

was by this means that the wicked practised on the honest citizen, without expense. Many of the cases were fictitious, and to prevent the ruin from litigation supported by foul means, and conspiracies, men were glad to enter into a compromise, by the payment of a smaller sum which was all that was aimed at; procrastination before the Law Officers was therefore of great consequence, to gain time to work on the timid, and probably the applicants never desired that there should be any decision come to in regard to their poverty, for a regular suit was not always their object. The Zillah Court by this means became debased to so low a state, as to be literally an engine of tyranny and oppression. I verily believe I do not overcolor my statement, as the sequel will shew, for I have yet to give the result of what has happened, in suits actually before the Court in the course of hearing, since I came here.

7th. As noticed in regard to the first instance pointed out to the Court, I applied a similar remedy. I strictly enforced the letter of the law in these numerous applications, I was at first assailed with. By taking these precautions, which while they defeat the unprincipled applicant, afford to those who actually stand in need of it, that benevolence to the poor which is contemplated by the Regulations, this impure system has also vanished, and I am now seldom troubled with applications of this nature. I early enjoined the Law Officers to use diligence in disposing of what was before them, and there are not at this moment above four cases in their hands.

8th. In illustration of what I have set forth, I may be allowed to add here, that to the 179 applications pending on the 11th March last 22 were added up to this date, of these 74 persons only have been admitted as Paupers, while 42 have been rejected, and in 81 cases the parties have not proceeded. During the year 1835, 355 applications were pending, of these only 21 were admitted, while 109 were rejected, and 71 dismissed from the parties not proceeding; the balance therefore on the 1st January 1836, under investigation was 154, and to these were added, up to the 11th March, 51 applications. 2 were admitted, and 24 rejected, while 26 were not proceeded with.

9th. All this tends to shew, that in a year and nine months, there have been 428 Pauper Applications allowed to go to proof, and of these 97 have only been admitted on the file. There were in consequence 331 cases in which the parties swore falsely, in attestation of their poverty.

10th. The particular object of this address, however, proceeds from a desire on my part to shew what I have found to be the actual working of the system in the Civil Courts, within the City of Surat. The grossest frauds, attended with the most bare-faced forgeries and perjuries that can be contemplated, are daily exhibited. Indeed the scenes that have been practised beggar description, most vicious and immoral conduct appear to have been carried on, under the confidence of security as to consequences, and I unhesitatingly affirm, that the administration of Civil Justice in this place has been openly and confidently abused by designing men, to promote injustice and oppression, exhibiting the Zillah Court in a more unfavorable light, than could have ever been contemplated by the greatest enemies of the Adawlut system, and this has grown up and gained strength, to the deterioration of morals, the manifest injury of every grade of the community in their property, while the actual damages done, must be very great.

11th. From what has come under my own observation in the appellate branch, it appears to me, that the bands of the wicked men, who resort to the Adawlut to satisfy their base ends, have considered it in the light of an arena for gambling, when parties tried their strength and the most wicked and cunning gained the day; for the same evil ends are resorted to, to rebut claims, as were used to advance them; and I grieve to say, that I understand, otherwise good men, have often, in their own defence, been compelled to have recourse to the same. The demoralizing effects of this wicked system have been so prevalent; that I hardly think sufficiently decisive measures have been taken to stop such practices, by prosecuting the guilty criminally. All that was looked to, was the decision of the Civil cases.

12th. This stain over the character of our adminstration, I have used my most strenuous endeavour to put down, and were I not to do so, I should consider myself to be conniving at acts of wickedness. I have on every occasion that has come fairly before me, done my best to bring the Guilty to punishment, and I shall not relax in the course I have adopted. I have before me, fair grounds for hope, that instead of being an engine to oppression and tyranny, the Civil Courts will be resorted to for the ligitimate object for which they were instituted, the protection of men in their just rights.

13th. I am concerned to say, the Wukeels or Pleaders aid in these enormities in a full and complete manner. Three of them have already been convicted and sentenced to punishment from being deeply implicated in conspiracies to defraud; each case exhibited either perjury or forgery, and one of them both. Other cases against Wakeels are pending, but their guilt remains to be shewn by the result of the criminal trials to which they will in due course be brought, the character of this body has suffered deeply in public estimation, and it will take a long period of unexampled good conduct, a faithful discharge of their duties, before its members are again admitted to public confidence. If these men had honestly discharged the important trust reposed in them, I should not now have the highly unpleasant and painful task to perform, in addressing the Sudder Dewanee Adawlut, in the way I do. It is in a great measure to the cupidity of these men, that I attribute much of the vice that has pervaded the court.

14th. Previous to the new Code of 1827 for this presidency, a fixed number of Wakeels were usually kept up in each Court, according to the state of business. By the exercise of due vigilance on the part of the Courts, as well from smallness of numbers, and consequent security of obtaining a competence from their office, there was less danger of recourse being had to the base measures that now disgrace the body; they could be trusted more safely by the Courts, as well as the public. But since the institution has been thrown open to every person who may apply for a Sunnud to practise as a Pleader, in whatever Zillah Court he thinks proper, on being able to pass the examination to which they are subjected, it has much deteriorated. The members are so extensive in number, that there is no chance of every one being able to obtain a livelihood, by fair means, particularly those possessed of moderate talents; they are consequently led to practise chicanery and crime, that pollutes the stream of Justice, and debase our Courts in public estimation. At this moment there are 57 persons on the list of Pleaders in the Surat Zillah Court, and it is obvious, in some way or other, they must all obtain a maintenance,

15th. The means of sound education in early life are entirely wanting. There is not a single Seminary of learning in all Goozerat; and in Surat, with exception of two Native Teachers from the Bombay Education Society, the state has in no wise aided to remove the evils, which are daily visible, arising from a want of good moral instructions. Boys commence by attendance at initiatory schools, learning to read and write a little; they are from thence immediately launched into public life, in any manner their parents can provide for them, without having any stock of knowledge to commence with. The consequence is, that they are devoid of sound principles, and a chance whether they ever possess them; while in general it is only the fear of detection and consequent punishment, that restrains them from vice. It is men thus brought up, who exhibit sharpness in early life, that are admitted as Pleaders, they have generally had opportunities of seeing how business is conducted in the Courts, and have probably many baneful lessons infused into their minds before they submit their pretension, to examination.

16th. When sound principles are wanting founded on a sense of moral rectitude and honor, we connot hope to have the native bar properly supplied.

Conspiracies against property have been conducted in so open and bold a manner, that until some check was put to them, by criminal prosecution, any thing might have been done, any claim set up and supported by immoral means; for there was no want of assistance. I understand, regularly organized bodies existed, of forgers, and persons who would swear falsely: it is even said, that very many entirely subsisted by these means. The rewards, so far as I hear, were small in general, which may be taken as a sure proof of the great extent to which the crime was carried. Trials in 5 cases of conspiracy have been already completed: most of these have been accompanied by either forgery or perjury. In these cases, 35 persons were charged and 31 convicted, all of them have been before the Criminal Court within this month since my arrival. There have also been 4 cases of forgery of 3 persons, a double charge having been preferred against one, while there have been 9 cases of perjury and 8 persons convicted and punished; which perjuries and forgeries are independed and distinct from the conspiracy cases.

17th. There are still under examination 2 cases of 11 prisoners for conspiracy, accompanied with perjury; and 10 cases with about 45 persons, for conspiracy, accompanied by both perjury and forgery.

18th. In the 5 cases of conspiracy already tried, the largest amount of property at stake was Rs. 2,000, wherein a Wakeel and 4 others were convicted; In a second case for Rs. 300, ten persons were convicted; In a third case for Rs. 190, a Wakeel and 5 others were convicted; In the fourth case for Rupees 165 a Wakeel and 8 other persons were convicted, while in the fifth case, five persons were convicted, where the matter litigated did not exceed Rs. 95. From this it will be seen, that exclusive of the larger case for Rs. 2,000, two Wakeels and twenty four other persons were involved in coinage and fraud, that in the aggregate did not amount to more than Rupees 760.

19th. I have issued instructions to the several Courts, to exercise great care in the performance of their duties; to demand at the earliest stage of a Civil case the proofs on which claims are founded; and to examine the witnesses with as little intervening time

between each as possible; to prevent as far as can be done, collusion which delays afford opportunities for. I have further directed that in each Court, a Register should be kept, containing the names of all the persons who give evidence, a description of them, the caste, employment, residence, and age of each, with the number of the case in which they appear. This has been done, with a view to operate as a check against persons coming often forward to give evidence, and lead to detection of those who appear under assumed names, and make a practice of this.

20th. In the conduct of that most important check, criminal prosecutions, I feel myself much indebted to the Kotewal, Ardaseer Dhunjeeshah Bahadoor; he has strennously exerted himself in the primary stages of the prosecutions that have arisen with his usual zeal and diligence, and has most successfully promoted the object I am at, to the manifest advantage of the public. The perfect manner in which the cases for trial have been brought before me proceed from his unwearied exertions, for in most of the cases, I have under trial, almost every person is any way connected with these conspiracies. I have only to add, that this officer is deserving of the highest commendation.

21st. I am also gratified, in being able to say, that the Native Judge and other Judicial Functionaries, give me their best aid, in bringing to light the villianies that exist.

22d. The good effect of the measures I have taken, have already become manifest by the care exhibited by the suitors in conducting their cases, and altho' I may not era dicate vice entirely, I am confident that for a length of time, its evil effects will be much curbed. I know I have with me the best wishes of the respectable portion of the community, who rejoice at the prospect of being relieved from the effects of a scourge that so grievously affected them.

I have &c.

(Signed) J. SUTHERLAND,

Judge.

Court of Adawlut, Surat, 29th September 1836.

TO THE HON'BLE J. SUTHERLAND, ESQ.

Judge,

Surat.

SIR,

I am directed by the Judges of the Sudder Dewanee Adawlut, to acknowledge your letter dated 29th ultimo, reporting certain abuses which you discovered to exist in the Adawlut now under your charge, and the measures adopted by you to correct them.

The Judges instruct me to acquaint you, that they have viewed with much gratification, the judicious course pursued by you, and they instruct me to convey to you the thanks of the Court, for the zeal thus directed, most effetually, to a very important object, by the removal of a disgraceful evil whereby the ends of justice were obstructed: and indeed in some instances it is to be feared its instruments were systematically transformed into a machinery of chicanery, fraud, perjury, and oppressions.

In making this communication, I am requested to add, that the consideration has not escaped notice, that this meed of approbation is not the less due, under the fact of the valuable services now acknowledged, having been energetically and successfully achieved by an individual, who after having exercised the highest duties under, and been associated with the Government itself, on returning to a former sphere of duty, has evinced at least equal zeal and judgment in promoting the public interest intrusted to him.

I have &c.

(Signed) H. BROWN,
Acting Register.

Bombay, Sudder Dewanee Adawlut,
18th October 1836.

TO THE SECRETARY TO GOVERNMENT,
Judicial Department,
Bombay.

SIR,

Under instructions from the Sudder Dewanee Adawlut, I have the honor to acknowledge your letter of the 23d ultimo, enclosing copy of one to the Judge of Surat of the same date, on the subject of a report to the Sudder Dewanee Adawful, on certain malpractices in his Court and the city of Surat, and copy of which he submitted to Government.

2nd. The Judges request me to observe, that it may be satisfactory to the Right Hon'ble the Governor in Council to find, that the view taken by the Court of this subject, is in accordance with that of Government communicated in your letter under acknowledgment, and as perhaps the best means of evincing the sense which the Judges entertained of the valuable extertions of the Hon'ble Mr. Sutherland, they have instructed me to transmit to be laid before Government, copy of the Court's answer to his report.

3rd. In reference to the 2d. Para. of your letter, I am instructed to observe, that nothing occurs to the Court that could improve the course so judiciously adopted and so strenously pursued by Mr. Sutherland to effect reform. Whatever can be accomplished, must, in the opinion of the Judges, be realized by a steady perseverance in that identical course of procedure, and to the exertion of individual energy, exercised with the discretion, so conspicuous on this occasion, must the public look, for the full attainment of the object aimed at.

4th. It will however be the duty of Government and this Court, to afford all possible support and encouregent to the Judge in his difficult and harassing task. In furtherance thereof, I am requested to observe, that the Judges of the Sudder Dewanee Adawlut attach much importance to the assistance which would be affo rded by the appointment of an Assistant Judge as recommended in the Court's letter to Government dated the

30th ultimo, No. 483, a measure, the necessity of which, is the more urgent, under a consideration of the subject of reform.

I have &c.
(Signed) H. BROWN,
Acting Register.

Bombay, Sudder Dewanee Adawlut,
1st December 1836.

To THE ZILLAH JUDGES.

SIR,

No. 78.

Forwarding copy of a Circular addressed to the Collectors directing that the price of Stamped paper may in future be calculated in the Company's Currency.

I am directed by the Judges of the Sudder Dewanee Adawlut, to transmit to you copy of a Circular from Government of the 17th instant, addressed to all the Collectors, except those in Guzerat, directing that the price of stamped paper may for the future be fixed in Company's Rupees, instead of the local currency.

You will be pleased to furnish your Assistant at the detached station, with a copy of the same.

I have &c.
(Signed) R. T. WEBB,
Acting Register.

Bombay, Sudder Dewanee Adawlut,
28th April 1837.

No. 655 of 1837.

Judicial Department,

To ALL THE COLLECTORS.

SIR,

I am directed to inform you, that the Right Hon'ble the Governor in Council is pleased, with the view to establish one unform system, to direct, that the price of stamped paper, shall for the future be fixed in Company's Rupees, instead of the local currency.

2d. You will, however, be pleased particularly to enjoin the Stamp Vender under your control, not to refuse any currency admitted at the public treasuries.

I have &c.
(Signed) J. P. WILLOUGHBY,
Secy. to Govt.

Bombay Castle, 17th April 1837.

(True copy.)
(Signed) J. P. WILLOUHBY,
Secy. to Govt.

(True copy)
(Signed) E. T. WEBB,
Acting Register.

To THE ZILLAH JUDGES.

SIR,

No. 79.

Forwarding a circular, by Govt. in the Revenue Department and requesting a Report as to whether the rules therein contained could not be applied to the Judicial Department.

I am directed by the Judges of the Sudder Adawlut to transmit to you the accompanying copy of a Circular dated the 30th March last, establishing rules for the preservation of the public records in the Reveuue Department, and to request, that you will be pleased to state, whether any of them could, with advantage, be made applicable to the Judicial Department.

You will be pleased to obtain and forward similar information from your Assistant at the detached Station.

I have &c.

(Signed) R. T. WEBB,
Acting Register.

Bombay, Sudder Adawlut,
11th May 1837.

CIRCULAR.

No. 1015 of 1837.

SIR,

As it is to be apprehended that sufficient attention is not paid, generally, to the preservation of the public records, and as Government deem it desirable that some general and effectual measure should be adopted for arranging these valuable documents, and securing them from injury, I am directed to communicate for your information and guidance, the following Rules, which, with the view to secure those objects, have been passed by the Right Hon'ble the Governor in Council.

1st. That separate Registers be prepared and kept with great care, of all the Inward and Outward Letters in your office.

2nd. That all the English correspondence of importance be kept in compilations, which should, at the end of each year, be bound up in volumes of a convenient size, and covered with leather. Subjects of minor importance should also be compiled, and the volumes covered with strong brown paper.

3rd. That correct Registers be kept of the Native Records, which should, as far as practicable, be compiled and bound up like the English correspondence at the expiration of each year. Such of the Native Records as cannot be bound up, should be assorted in bundles according to their subject and tied up in "Roomals" or "Towels" and a Ticket affixed to the outside, denoting the subject, year &c. to which the contents relate, a correct list of every paper being also placed in each bundle.

4th. That the "Whyees" or Account Books, should at the end of the year, when no longer required for the purpose of making out statements, &c. be tied up and sealed by the Dufterdar, or in the District Cutcherries, by the Mamlutdar, and a Ticket of the date and nature of the contents being fixed on the outside of each, they should be placed in order in the presses.

5th. That all the Koolkurnees (Village Accountant) be required to deliver up to the Mamlutdar, at the end of each year, all documents relating to that year.

6th. That the volumes and compilations &c. be kept in Teak-wood Presses, and examined at least once every three months, in order to preserve them from insects.

7th. That the Records of your Office be in the first instance assorted, under the superintendence of one of your Assistants, after which they should be entrusted to the charge of one of your higher Clerks, who should be responsible for their preservation.

8th. That one of your Assistants examine the Records at the Hoozoor once every three months, in order to see that the foregoing Rules are carefully observed, the result of such examination should be reported through you, to Government, in the General Department.

9th. That each deputed Assistant be required to report annually, in like manner, whether the records in the District Cutcherries are properly arranged and kept.

10th. A strict adherence to the foregoing Rules will, it is hoped, ensure the proper arrangement and preservation of your records, but should any modifications or suggestions occur to you as better calculated to secure the object in view, the Governor in Council will, I am directed to state, be prepared to take them into consideration.

I have &c.

(Signed) E. H. TOWNSEND,
Acting Secy. to Govt.

Bombay Castle, 30th March 1837.

(True copy.)

(Signed.) J. P. WILLOUGHBY,
Secy. to Govt.

(True copy.)

(Signed.) R. T. WEEB,
Acting Register.

To THE ZILLAH JUDGES.

SIR,

No. 80.

Intimating the resolution of Government that all Ameens and Moonsiffs hereafter appointed shall be required to possess a knowledge of the language in which the Regulations in the districts in which they are emplyed, are written.

I am directed by the Judges of the Sudder Adawlut to inform you, that the Right Hon'ble the Governor in Council has been pleased to establish it as a rule, that all persons appointed to the office of Ameen or Moonsiff, shall be required to possess a competent knowledge of the languages in which the Regulations in the districts where they are employed are written, and that this shall be an indispensable qualification in all future appointments.

I have &c.

(Signed) R. T. WEBB,
Acting Register.

Bombay, Sudder Adawlut, 17th May 1837.

To THE ZILLAH JUDGES.

SIR,

No. 81.

All Vukalutnamahs furnished to the Wakeels in the Sudder Dewanee Adawlut, for the recovery of their fees in the Zillah Courts to be authenticated by the Nazir of the Sudder Adawlut and to be written on paper bearing a Stamp of the value of one Rupee.

I am directed by the Judges of the Sudder Dewanee Adawlut to transmit for your future guidance, the following Rules of Court.

1st. Resolved, that in future all Wukalutnamahs furnished to Wakeels of the Sudder Adawlut, for the recovery of their Fees in the Zillah Courts, be authenticated by the Nazir of the Sudder Adawlut.

2d. Resolved further, that such Wakalutnamahs be written on paper, bearing a Stamp of the value of one Rupee, in accordance with the 3rd Table of Appendix D. of Regulation XVIII of 1827.

You will be pleased to forward a copy thereof to your Assistant at the detached Station.

I have &c.
(Signed) R. T. WEBB.
Acting Register.

Bombay, Sudder Dewanee Adwlut, 5th July 1837.

To THE ZILLA JUDGES AND COLLECTORS.

SIR,

No. 82.

Directing that in the half yearly statements furnished to the Court, of Civil business disposed of and in arrears, a column, shewing the "authority deciding" be substituted for the one now headed "name of the Zillah."

With reference to the half yearly Returns of Civil business disposed of, and in arrears, trnasmitted to this Court, according to the Court's Circular, I am directed by the Judges of the Sudder Dewanee Adawlut to request, you will make the following alteration in Statements Nos. 1 and 2, namely, by substituting for the column now headed "name of the Zillah" a column shewing "the authority deciding" as in your Monthly Returns, thereby in addition to the abstract total of business disposed of for the six months, that performed by each functionary during that period will appear.

Your Statements Nos. 1 and 2, for the last half year are herewith returned, and you will be pleased to transmit them in the amended form, with the least practicable delay.

You will be pleased to convey these instructions to your Assistant at the detached stations and to the Sub Collector.

I have &c.
(Signed) R. T. WEBB.
Acting Register.

Bombay, Sudder Dewanee Adawlut,
14th August 1837.

To THE JUDGES AND COLLECTORS.

SIR,

No. 83.

Enjoining vigilance against abuse at sales of property in execution of Decrees.

I am directed by the Judges of the Sudder Dewanee Adawlut to enjoin your vigilant attention, to guard against abuse at sales of property in execution of decrees.

You will be pleased to convey these instructious to your Assistant at the detached stations and to the Sûb-Collector.

I have &c.

(Signed) J. W. WOODCOCK,
Assist. Register.

Bombay, Sudder Dewanee Adawlut,
16th September 1837.

To THE ZILLAH JUDGES.

SIR,

No. 84.

Calling for a Report of the precautions which have been adopted, to guard against any but properly qualified persons being appointed to the office of Shastree.

With reference to the Court's Circular No. 888 of 1837 dated the 31st of July last, I am directed by the Judges of the Sudder Dewanee Adawlut to request, you will, as far as your department is concerned, be pleased to report what precautions have hitherto been taken, to ensure that none but properly qualified persons, are appointed to fill the office of Shastree.

I have &c.

(Signed) J. W. WOODCOCK,
Assist. Register.

Bombay, Sudder Dewanee Adawlut,
22d September 1837.

To THE JUDGES AND MAGISTRATES.

SIR,

No. 85.

Directing that in submitting all Estimates, the sum total to be sanctioned, be stated in the body of the letter.

I am directed by the Judges of the Sudder Dewanee and Sudder Foujdaree Adawlut, under instructions from Government, to request, that you will be pleased for the future in submitting estimates &c. to state in the body of the letter, the sum total for which sanction is required.

You will be pleased to convey this information to your Assistants at the detached station and to the Joint Magistrates.

I have &c.

(Signed) J. W. WOODCOCK,
Assist. Register.

Bombay, Sudder Dewanee and Sudder Foujdaree Adawlut, 18*th October* 1837.

To THE ZILLAH JUDGES.

SIR,

No. 86.

Forwarding copy of a letter from the Superintendent of stamps to the address of Government and of the reply of Government thereto.

I am directed by the Judges of the Sudder Dewanee Adawlut, under instructions from Government, to transmit to you for your information and guidance, the annexed copies of a letter from the Superintendent of Stamps, dated the 30th of August last, to the address of Government, and of their reply thereto, dated the 6th instant.

I have &c.

(Signed) J. W. WOODCOCK,
Assist. Register.

Bombay, Sudder Dewanee Adawlut,
24th October 1837.

No. 6 of 1837.

Judicial Department.

To,

E. H. TOWNSEND Esq.

Secretary to Government.

Sir,

I beg to submit for the consideration of the Right Hon'ble the Governor in Council, an arrangement in regard to the transmission of bonds and other documents bound up in Books from the subordinate stations to this office, for the purpose of being stamped. The object in view is, to relieve the Post Office department of the conveyance of what seems to me a very unnecessary degree of weight.

The documents requiring to be Stamped are declared in the Regulation under that head, and many of these are bound up in large heavy books. In Order therefore to obtain a Stamp to one sheet, the whole book is transmitted through the Post Office, the Book often being both in bulk and weight very considerable; for instance, on the 6th Instant I received a Wuhee, or Account Book, from the Collector of Candeish, weighing Seven Seers and Two Tolahs, the leaf requiring a stamp of only 8 annas.

To obviate the necessity of sending these books, I would propose, that the leaf be cut out in the presence of the Collector or his Assistant, and forwarded to be stamped, on its return the leaf should be reinserted, sufficient depth of margin having been left to admit of its being pasted in the presence of the same authority and attested on the margin on the leaf itself.

I have &c.

(Signed) J. WILLIAMS,

Supt. of Stamps.

Bombay, Genl. Stamp Office, 30th August 1837.

No. 1971.

Judicial Department.

To,

JOHN WILLIAMS Esq.

Superintendent of Stamps.

Sir,

I am directed to acknowledge the receipt of your letter, dated the 30th of August last, No. 6, proposing an arrangement regarding the transmission of Bonds and other Documents bound up in books, to the Presidency, for the purpose of being stamped.

In reply I am instructed to inform you, that the Right Hon'ble the Governor in Council is pleased to approve of the suggestions submitted in the 3rd Para. and to observe, that it will be necessary, as a check to guard against abuse in evidence in judicial matters, that the proposed operation before the Collector or his Assistant, should be most vigilantly superintended, in respect to the extraction and reinsertion of the documents; some note or record of the transaction being also preserved in your office.

The Judges of the Sudder Dewanee Adawlut have been requested to issue the requisite instructions to the subordinate authorities in regard to the adoption of the measure.

I have &c.

(Signed) E. H. TOWNSEND,
Acting Secy. to Govt.

Bombay Castle, 6th Oct. 1837.

(True copies.)

(Signed) E. H. TOWNSEND,
Acting Secy. to Govt.

(True copies.)

(Signed) J. W. WOODCOCK.
Asst. Register.

To THE ZILLAH JUDGES.

No. 87. SIR,

All correspondence regarding the appointment of Cazees to be submitted to Government thro' the Sudder Dewanee Adawlut.

I am directed by the Judges of the Sudder Dewanee Adawlut to request, you will in future submit all correspondence regarding the appointment of Cazees, to Government, through this Court.

You will be pleased to convey these instructions to your Assistant at the detached station.

I have &c.

(Signed) J. W. WOODCOCK,
Asst. Register.

Bombay, Sudder Dewanee Adawlut,
11th January 1838.

To THE ZILLAH JUDGES.

No. 88. SIR,

All Commissions forwarded to Government under Clause 2nd Sec XL Reg. IV of 1827, to be accompanied by English translations.

I am directed by the Judges of the Sudder Adawlut, under instructions from Government, to request, that in future you will send English Translation of any Commissions which you may henceforth forward to Government under Section XL, Clause 2nd. Regulation IV of 1827, for the purpose of procuring the evidence of witnesses residing at places beyond the territories subordinate to the Bombay Presidency.

I have &c.

(Signed) P, W. LEGEYT.
Register.

Bombay, Sudder Adawlut, 18*th April* 1838.

To THE JUDGES, SESSION JUDGES, COLLECTORS AND MAGISTRATES.

No. 89. SIR,

A list of unanswered references to and from the Sudder Adaw-

I am directed by the Judges of the Sudder Adawlut, under instructions from Govern-

ment, to request, you will in future transmit to this Court, on the 1st of every month, a List of all unanswered references to and from the Sudder Adawlut.

lut to be submitted to the Court on the 1st of every month.

I have &c.

(Signed) P, W. LEGEYT,
Register.

Bombay, Sudder Adawlut, 30th April 1838.

To THE JUDGES AND MAGISTRATES.

SIR,

No. 90.

I am directed by the Judges of the Sudder Adawlut to request, that in future, all Periodical Returns rendered from your department to the Court, may be noticed in the General Registers of Unreplied Letters required from you by the Court's Circular of the 30th ultimo, No. 539.

All Penodical returns to be included in the General Register required in the Court's Circular of the 30th April No. 539.

I have &c.

(Signed) P. W. LEGEYT.
Registers.

Bombay, Sudder Adawlut, 16th May 1838.

To THE JUDGES AND SESSION JUDGES.

SIR,

No. 91.

1st. In pursuance of the orders of Government, I am directed by the Court to transmit to you for record in your office, the accompanying copy of Rules for defining the duties to be performed by Assistants and other Officers in charge of the office of Judge and Session Judge.

Forwarding copy of Rules defining the duties to be performed by Assistants and other Officers in charge of the office of Judge & Session Judge & calling on the Judge when delivering over charge of his duties, to call the attention of the officer receiving the same to such Rules & requiring a Report to be made of such a course having been persued.

2nd. Whenever you deliver over charge of your office to an Officer not authorized to act as Judge, you will be pleased to call his particular attention to these, Rules, and certify that you have done so in the letter reporting the fact to the Court.

I have &c.

(Signed) P. W. LEGEYT,
Register.

Bombay, Sudder Dewauee and Sudder Foujdaree Adawlut, 30th May 1838.

RULES FOR DEFINING THE DUTIES OF ASSISTANTS AND OTHER OFFICERS IN CHARGE OF THE OFFICE OF JUDGE AND SESSION JUDGE.

1st. Whenever the charge of the current duties of Judge and Session Judge of any Zillah may, from death, indisposition or other casualty, devolve to the Assistant attached to the Court, or whenever the Assistant to the Collector and Magistrate, or any other Covenanted European Officer may, by the orders of a competent authority, take charge of the current duties of the office of Judge or Session Judge, (not being vested by Government with the full power of Judge) such Assistant or other Officer, shall confine

himself to the exercise of such part of the powers of Judge as may be indispensably necessary for the immediate execution of processes or orders of the Sudder Dewanee and Sudder Foujdaree Adawlut, making returns to Warrants, and the transmission to the Court of the proceedings in Criminal Trials and for the execution of the processes from other Courts, or for such other cases of emergency as will not admit of delay.

2d. Such Assistant or other Officer, is also authorized to receive any new Civil Suits of whatever description, which may be instituted according to the Regulations, to refer to the Subordinate Courts such as may be cognizable by them, and to proceed upon Suits which are exclusively cognizable by the Judge, so far as to issue notice to, or summon the defendant, and receive his answer, as well as any written Documents or Lists of witnesses which may be offered by the parties or their Vukeels, in pursuance of orders passed previously by the Judge, but no further, unless in any instance there shall appear to be urgent reason to take the evidence of any witness or witnesses in such suits; in which case he may take or cause to be taken the depositions of such witnesses under the general rules prescribed for the conduct of the Zillah Judges.

3d. He is likewise empowered to receive any sums which parties may be desirous of depositing in cases of mortgage, or as Vukeel's fees, and for the payment of which, the Judge may have already given orders. He shall also be empowered to conduct, in conformity to the Regulations, any summary enquiries which may appear to require immediate attention and process, to make the summary investigations respecting the indigence of persons desirous of suing in forma pauperis, and the validity of security tendered by parties under the orders of the Judge or other competent authority, to carry into effect orders passed previously by the Judge for the sale of property attached in execution of decrees or other Judicial process, or to stay the sale of such property pending the investigation of objections on claims preferred, but it shall not be competent to the Assistant or other Officer to hold such investigation or to issue orders for the sale of such property, excepting when it may be of a perishable nature.

4th. The Assistant or other Officer in charge will cause to be prepared and forwarded any statement or reports which the Judge or Session Judge may, under the rules in force, be required to submit to the Sudder Dewanee and Sudder Foujdaree Adawlut, or to Government, as the case may be.

By order of the Sudder Dewanee and Sudder Foujdaree Adawlut.

(Signed) P. W. LEGEYT.
Register.

(True copy.)
(Signed) P. W. LEGEYT.
Register.

To THE ZILLAH JUDGES.

SIR,

No. 92. In reference to Mr. Acting Register Brown's letter No. 819 of the 29th of June 1836,* declaring that Batta is not to be levied on Summonses issued (in civil pro-

The journey of ten miles specified in Clause 3d. Section XXXII.

* Not published.

cess) within the limits of ten miles. I am directed by the Judges to inform you, that it has been resolved under this date, that the day's journey of ten miles specified in Section XXXII, Clause 3d of Regulation IV of 1827, shall include the return as well as the outward journey of the Peon, and that under the Regulation quoted, there appears no objection to a portion of the Batta allowed being drawn for a proportionate distance of the day's journey.

of Reg IV. of 1827, includes the return as well as the outward journey, and a proportionate amount of Batta may be drawn for a portion of a day's journey.

I have &c.
(Signed) P. W. LEGEYT.
Register.

Bombay, Sudder Dewanee Adawlut,
30th June 1838.

To THE ZILLAH JUDGES AND SESSION JUDGES.

SIR,

No. 93.

The employment of Juries in the investigation of complicated accounts &c. enjoined.

The Judges of the Sudder Dewanee Adawlut and Sudder Foujdaree Adawlut fully concurring in the opinion expressed by the Acting Judicial Commissioner for the Deccan and Khandeish, in the accompanying copy of the 36th Para. of his Report for 1837, on the employment of Juries in the investigation of complicated accounts &c. I am directed to draw your attention to the subject, and to request, you will endeavour to give effect to the system, as far as practicable.

I have &c.
(Signed) P. W. LEGEYT.
Register.

Bombay Sudder Adawlut
31st July 1838.

Extract Para: 36th of the report of the Acting Judicial Commissioner for the Deckan and Khandeish of the 10th November 1837.

36th. Juries if ever resorted to, have been totally discontinued in all trials, whether Criminal or civil. Disinclination on the part of those capable, inability to assemble a sufficient number in all ways eligible, the loss of time occasioned both in collecting them and in their proceedings, are pleaded for their disuse. I think this is to be regretted, altho' I admit the full force of each objection. If it were the desire of the people generally that Juries should be oftener empannelled, no doubt applications to that effect would be made, and would be attended to; but this method of occasionally dispensing justice, appears to me to have many recommendations. Among them certainly, expedition cannot be numbered, but in some cases, Juries are more likely to elicit the truth, and to understand the peculiar points at issue; in others, their decision would probably prove more satisfactory. It is perhaps the best mode of leading the people to appreciate the principles on which justice is dispensed, by connecting them with the process, their dislike should be combated, rather than yielded to; they should be taught to consider the Summons to serve on a Jury rather as a mark of respect than as a labour imposed; and when the custom of the country from of old has sanctioned the usage, it is a source of regret that we should have allowed it to go to complete decay, rather than

have made it a groundwork whereon to frame some plan, by which its benefits might have been more widely extended. In cases of forgery and perjury I consider, Juries essentially useful, and I fear both crimes are greatly on the increase in our Courts.

(True Extract.)

(Signed) P. W. LEGEYT,
Register.

TO THE JUDGES, AND SESSION JUDGES, COLLECTORS AND MAGISTRATES.

SIR,

No. 94.

Forwarding a List of the several Returns required to be furnished for the preparation of the half yearly Criminal Returns, and enjoining attention to the respective date of dispatch. Counterparts in the native language to be furnished of Returns 5 and 6.

In consequence of the recent orders of the Hon'ble the Court of Directors, requiring Criminal Returns to be furnished half yearly, instead of as heretofore annually, I am directed by the Judges to forward to you the accompanying list of the several Returns required to be furnished to this Court, and to enjoin your particular attention as to the dates of their respective dispatch.

2. In respect to the half yearly Criminal Returns No. 5 and 6, I am directed by the Judges to request, you will be pleased to forward with them, a counterpart in the native language.

I have &c.
(Signed) P. W. LEGEYT,
Register.

Bombay, Sudder Dewanee and Sudder Foujdaree Adawlut, 31st July 1838.

List of the following Return required from the Judges and Session Judges.

Nos.		
	Monthly.	
1	Report of criminal cases disposed of by the Session Judge and Assistants, during the month of	To be dispatched on or before the 15th of the following month.
2	Return of number of witnessss who have been in actual attendance, during the month of	Ditto.
	Quarterly.	
1	Report of Cases and Prisoners under charge of the Session Judge for trial before him, during the month of	To be dispatched to the Sudder Foujdaree Adawlut on or before the 15th of the following month.
2	Report of Convicts in the Jail of the Zillah of ——— , under sentence of transportation.	Ditto.
3	Report of Prisoners referred to the Sudder Foujdaree Adawlut, on whom the sentence of that Court has been or has not been received.	Ditto.
4	Report of available Convicts for transfer to the Superintendent of Roads &c., in the Jail of	Ditto.
5	Statement of Prisoners under sentence of Courts Martial, as available for transfer to Superintendent of Roads &c.	Ditto.

Nos.		
	Half yearly.	
1	Statement shewing the work done, and the profit accruing by the number of Convicts employed, from 1st January to 30th June, and 1st July to 31st December	To be dispatched to the Sudder Foujdaree Adawlut on or before the 10th February and 10th of August respectively.
2	Statement ending 30th June, and 31st December, shewing the total number of Convicts at present in confinement liable to hard labour, exhibiting the number respectively employed in each work, within the jurisdiction of ..	Ditto.
3	Return ending on the 30th June and 31st December, of persons confined at the Sudder station of the Zillah of ——, under the direct orders of Government, for reasons of State..	Ditto.
4	Return ending on the 30th June and 31st December 18——of the Surgeon's report on the state of the general health of the Prisoners in the Jail of the Zillah of the (agreeably to the accompanying form).....	Ditto.
5	Abstract statement of robberies and other crimes ascertained by Police Officers or otherwise to have been committed within the Zillah of ——— from 1st January to 30th June, and 1st July to 31st December; of the number of persons known or supposed to have been concerned in such crimes; and of the number apprehended, and of the computed value of property plundered or stolen, and of the amount recovered according to the Police Officers report or otherwise..... ..	Ditto.
6	Comparative statement of robberies and other crimes ascertained by the Police Officers or otherwise to have been committed in the districts and cities comprised in the Zillah during the six months from 1st January to 30th June, and 1st July to 31st December ..	Ditto.
7	Report of casualties and of prisoners released in the Zillah of from 1st January to 30th June, and 1st July to 31st January 18 .	Ditto.
8	Return of all rewards offered by under the provision of Section XXXII, Regulation XII of 1827.....	Ditto.
	Annual.	
1	Statement exhibiting the casualties of the convicts transported to the Presidency of Bombay, who have been confined in the Jail of from 1st January to 31st December 18 required by the Circulars from the Sudder Foujdaree Adawlut, dated 20th February and 20th May 1837.....	To be dispatched on the 10th of January of each year.

Nos.		
	Civil Reports, Monthly.	
1	Monthly Abstract report of causes and appeals and miscellaneous petitions disposed of and remaining in the Zillah of the for the month of 18	To be dispatched to the Sudder Dewanee Adawlut by the 15th of the following month.
2	List of unanswered references to the Sudder Dewanee and Sudder Foujdaree Adawlut,.	To be dispatched on the 5th of the following month.
3	List of unanswered references from the Sudder Dewanee, and Sudder Foujdaree Adawlut,.	Ditto.
	Half yearly.	
1	Report of causes depending in the Civil Courts of Adawlut of the on the 1st of	To be dispatched to the Sudder Dewanee Adawlut by the 1st February and 1st August respectively.
2	Statement of the number and description of Plantiffs and Defendants, the number of Debtors in Jail at the instance of Individuals, and arrears of Revenue, at the instance of Government, in the first or second half of year 18	Ditto.
3	Statement of Original Suits on the file of the Adawlut Court on the 1st January 18 the number instituted and disposed of in the six following months with the arrears on the 1st July 18	Ditto.
4	Statement of Appeals from the Decrees of the Assistant Judges and Native Functionaries in arrears, and preferred and disposed of from the 1st January to the 30th June 18	Ditto.

RETURN ending on the 30th June 18 of the Surgeon's Reports on the state of the general health of the Prisoners in Jail of the Zillah of the

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
YEAR AND MONTH.	Average No. of Prisoners sick, and well in Jail.	No. of Sick in Hospital.	Dysentery or Diarhœa.	Fever.	Hepatitis.	Syphilis.	Ulcers and cutaneous diseases.	Wounds and Accidents.	Venereal.	Scurvy.	Rheumatism.	Various other complaints.	Total Cured.	Total Death.	Total Sick in Hospital.	Remarks.
January																
February																
March																
April																
May																
June																

List of the following Returns required from the Collectors, Sub-Collectors, Magistrates and Joint Magistrates.

Nos.		
	Monthly.	
1	Report of Criminal cases disposed of by the Magistrate and Assistants during the month of.....	To be dispatched by the 15th of following month.
	Quarterly.	
1	Report of cases and Prisoners under charge of the Magistrate for trial before him, during the month of.....	To be dispatched to the Sudder Foujdaree Adawlut by the 15th of following month.
	Half Yearly.	
1	Abstract Statement of Robberies and other Crimes ascertained by Police Officers or otherwise to have been committed within the Zillah of from 1st January to 30th June and 1st July to 31st December 18 of the number of persons known or supposed to have been concerned in such crimes, and of the number apprehended, and of the computed value of property plundered or stolen, and of the amount recovered, according to the Police Officer's report or otherwise.....	To be forwarded to the Session Judge on or before the 1st of February and 1st of August respectively.
2	Comparative Statement of Robberies and other Crimes ascertained by the Police Officers, or otherwise to have been committed in the District and Cities comprised in the Zillah, during the six months from to.....	Ditto.
3	Report on the state of the Police within the magistracy for the preceding year, to be forwarded to the Sudder Foujdaree Adawlut on the 15th of February, but should any particular circumstances have occurred, a supplemental report to be made on the 15th August.....	To be dispatched on the 10th of February and 10th of August.
4	Return of all rewards offered by , under the Provision of Section XXXIII, Regulation XII of 1827.....	Ditto.
5	Return of untried Prisoners of the nature adverted to in the 35th Para, of the report of the Acting Judicial Commissioner for the Deccan and Khandeish, forwarded with the Court's Circular of the 31th July 1838.....	Ditto.
	Civil Reports, Monthly.	
1	Abstract report of Causes and Appeals and Miscellaneous Petitions disposed of and remaining in the Collectorate of the for the month of.....	To be dispatched by the 15th of following month.
2	List of unanswer d references from the Sudder Adawlut.....	To be dispatched on the 5th of following month.
3	List of unanswered references to the Sudder Adawlut.....	Ditto.

Nos.		
	Half Yearly.	
1	Statement of the number and description of Plaintiffs and Defendants in Reveuue suits, in the Collectorate of.....	To be dispatched on the 1st February and 1st August respectevily.
2	Statement of Original suits on the File of the Collector of on the 1st January 18 the number instituted and disposed of in the six following months, with the arrears on the 1st July 18	Ditto.
3	Statement of Appeals from the Decrees of the Assistant Collectors and Mamlutdars in arrears, and perferred and disposed of from the 1st January to the 30th June 18	Ditto.

List of the following Returns required from the Agent's Department.

Nos.		
	Civil Report, Monthly.	
1	Abstract report of Causes and Appeals and Miscellaneous Petitions disposed of and remaining in the Agent's Department for the month....	To be dispatched by the 15th of following month.
2	List of unanswered references to the Sudder Adawlut.....	To be dispatched on the 5th of following month.
3	List of unanswered references from the Sudder Adawlut..	Ditto.
	Half Yearly.	
1	Report of Causes depending in the Agent's Court on the 1st of.....	To be dispatched to the Sudder Dewanee Adawlut by the 1st July and 1st December respectively.
2	Statement of the number and discription of Plaintiffs and Defendants in suits before the Agent from 1st Jan. to the 30th June 18 ..	Ditto.
3	Statement of Original Suits on the file of the Agent's Court on the 1st January 18 the number instituted and disposed of in the six following months with the arrears on the 1st. July 18	Ditto.
4	Statement of Appeals from the Decrees of the Assistant Agent in arrears, and preferred and disposed of from the 1st January to the 30th June 18	Ditto.

List of the following Returns required from the Political Agent's Department of the Southern Marhatta Country.

Nos.		
	Civil Reports Monthly.	
1	Abstract report of Causes and Appeals and Miscellaneous Petitions disposed of and remaining in the Agent's Department for the month of 18	To be dispatched by the 15th of following month.

Nos.		
2	List of unanswered references to the Sudder Adawlut.....	To be dispatched on the 5th of following month.
3	List of unanswered references from the Sudder Adawlut.....	Ditto.
	Half Yearly.	
1	Report of causes depending in the Agent's Court on the 1st of	To be dispatched to the Sudder Dewanee Adawlut by the 1st of July and 1st of December respectively.
2	Statement of the number and description of Plaintiffs and Defendants in suits before the Agent from 1st January to the 30th June 18	Ditto.
3	Statement of Original Suits on the File of the Agent's Court on the 1st January 18 the number instituted and disposed of in six following months, with the arrears on the 1st July 18	Ditto.

To THE PRINCIPAL COLLECTOR AND COLLECTORS.

SIR,

No. 95.

Particular attention enjoined to Clause 3d. Sec. XIII. of Reg. XVIII. of 1827, and the return of a fine paid on a bond prohibited.

The evasion of the Stamp laws being a practice of common occurrence, I am directed by the Judges of the Sudder Adawlut to call your particular attention to Clause 3d, Section XIII. Regulation XVIII of 1827, and to intimate to you, that the fine once paid on a bond or other writing, is not to be returned to the party or parties.

I have &c.

(Signed) P. W. LEGEYT,
Register.

Bombay, Sudder Dewanee Adawlut,
17th August 1838.

To THE ZILLAH JUDGES.

SIR,

No. 96.

Requiring that at the foot of the half yearly Returns an abstract should be framed shewing the number of suits filed, decided or disposed of in the past as compared with the previous 6 months.

I am directed by the Judges of the Sudder Dewanee Adawlut to request, you will in future, in handing up your half yearly Return of Civil business, give an Abstract at the foot of them, shewing a comparison between the number of suits filed and decided, or disposed of in the past and previous six months.

I have &c.

(Signed) J. W. WOODCOCK,
Assist. Register.

Bombay, Sudder Dewanee Adawlut
3rd September 1838.

TO THE JUDGES, SESSION JUDGES, COLLECTORS & MAGISTRATES.

SIR,

No. 97.

The provisions of Clause 2d Section XXXVI. of Reg. IV. of 1827 to be strictly adhered to in all Courts.

It having been brought to the notice of the Hon'ble the Court of Directors, that the provisions of Clause 2d, Section XXXVI, Regulation IV, A. D. 1827 are not strictly adhered to in all cases where the language with which a witness is conversant happens not to be the language of the Court in which he is being examined, I am directed by the Judges of the Sudder Dewanee and Foujdaree Adawlut, under directions from Government to direct, that the rule laid down in the above quoted clause be invariably observed in all Courts subject to your jurisdiction.

I have &c.

(Signed) C. SIMS,
Acting Register.

Bombay, Sudder Dewanee and Foujdaree Adawlut, 4th October 1838.

TO THE JUDGES, SESSION JUDGES, COLLECTORS & MAGISTRATES.

SIR,

No. 98.

All Bills of contingent charges to be submitted to this Court.

The Hon'ble the Governor in Council having been pleased to sanction an alteration in the system under which contingent disbursements are at present passed and audited, the contingent bills, which have hitherto been submitted to Government, being hereafter handed up direct to the Civil Auditor thro' this Court, I am directed by the Judges of the Sudder Foujdaree Adawlut to request, you will be pleased to transmit all your bills of contingent charges to this department.

I have &c.

(Signed) C. SIMS,
Acting Register.

Bombay, Sudder Dewanee and Foujdaree Adawlut, 10th October 1838.

TO THE JUDGES AND COLLECTORS.

SIR,

No. 99.

Forwarding copies in English, Mahratee and Goozerattee of the orders of Her Majesty in Council relative to appeals to the Privy Council.

I am directed by the Judges of the Sudder Dewanee Adawlut to forward for your information and guidance, five copies in English and ten in Guzerattee, and ten in Marattee of the orders of Her Majesty in Council, dated the 10th April last, establishing certain Rules and Orders for regulating the mode, form and time of appeals from Her Majesty's Courts, and those under the Government of the East India Company, and also regulating the amount or value of the property in respect to which such appeal may be made.

I have &c.

(Signed) C. SIMS,
Acting Register.

Bombay, Sudder Dewanee Adawlut, 13th August 1838.

AT THE

COURT OF BUCKINGHAM PALACE,

10th April 1838;

PRESENT.

THE QUEEN'S MOST EXCELLENT MAJESTY,

LORD CHANCELLOR,	EARL OF MINTO,
LORD PRESIDENT,	LORD JOHN RUSSEL,
LORD STEWARD,	VISCOUNT PALMERSTON,
LORD CHAMBERLAIN.	VISCOUNT MELBOURNE,

LORD GLENELG.

WHEREAS by an Act passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, intituled "An Act for the better Administration of Justice in His Majesty's Privy Council," it is amongst other things enacted, That "it "shall be lawful for His Majesty in Council from time to time to make any such Rules "and Orders as may be thought fit, for the Regulating the Mode, Form, and Time of "Appeal to be made from the Decisions of the Courts of Suddur Dewanee Adawlut or any "other Courts of Judicature, in India or elsewhere, to the Eastward of the Cape of "Good Hope (from the decisions of which an Appeal lies to His Majesty in Council,) "and in like manner from time to time to make such other Regulations for the prevent-"ing Delays in the making or hearing, such Appeals, and as to the Expences attending "the said Appeals, and as to the Amount or Value of Property in respect of which any "such Appeal may be made." AND WHEREAS His said late Majesty did, by his Order in Council, on the 16th day of January 1836, approve certain Rules and Orders for Regulating the Mode, Form, and Time of Appeal from the Decisions of the said Courts of Sudder Dewany Adawlut, and also certain Regulations for the preventing Delays in the making or hearing of such Appeals, and as to the expenses attending such Appeals, and the said Rules and Orders, and Regulations, were setforth in certain Schedules, A. and B. to and by the said Order in Council of the 16th of January annexed and approved. AND WHEREAS His said late Majesty did, by his further Order in Council made on the 10th day of August 1836, alter and amend the said Schedule B. by cancelling the Rule No. 5 of the said Schedule B. so approved as aforesaid, and ordering that, in lieu of the said fifth Rule thereof, a certain other Rule in such last mentioned order set forth should be substituted. AND WHEREAS the Queen's Most Excellent Majesty in Council hath deemed it expedient to cancel and rescind all the said Rules, Orders, and Regulations, and to make and substitute others in lieu thereof.

Her Majesty is therefore pleased, by and with the advice of Her Privy Council, to cancel and rescind all the said Rules, Orders, and Regulations, in the said recited Orders in Council of the 16th day of January 1836, and 10th day of August 1836, respectvely contained, and thereby or by either of them approved, and to approve of the several Rules, Orders, and Regulations, contained in the Schedule hereunder written or hereunto annexed, and to Order, as it is hereby Ordered, that the same be respectively ob-

served by Her Majesty's Supreme Courts of Judicature at Fort William in Bengal, Fort St. George, and Bombay respectively by the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, and by the said several Courts of Suddur Dewany Adawlut, and all other Courts of Judicature in the Territories under the Government of the East India Company, and by all Persons whom it shall or may concern. Whereof the Governor General and the Council of India, the Governor of Fort Wiliam in Bengal, the Governor in Council at Fort St. George, the Governor in Council at Bombay, the Governor of Agra, the Chief Justice and the Judges of Her Majesty's Supreme Court of Judicature at Fort William, aforesaid, the Chief Justice and Judges of Her Majesty's Supreme Court of Judicature at Fort St. George, the Chief Justice and Judges of Her Majesty's Supreme Court of Judicature at Bombay, the Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, the Judges of the Several Courts of Suddur Dewany Adawlut in the East Indies, and the Judges of all other Courts of Judicature in the Territories under the Government of the East India Company, and all other Persons whom it may concern are to take notice and govern themselves accordingly.

(Signed) C. C. GREVILLE,

THE SCHEDULE ABOVE REFERRED TO.

1. That from and after the 31st Day of December next, no Appeal to Her Majesty, Her Heirs and Successors in Council shall be allowed by any of Her Majesty's Supreme Courts of Judicature at Fort William in Bengal, Fort St. George, Bombay, or the Court of Judicature of Prince of Wales' Island, Singapore, and Malacca or by any of the Courts of Sudder Dewanee Adawlut, or by any other Courts of Judicature in the terrritories under the Government of the East India Company, unless the Petition for that purpose be presented within six Calendar months from the Day of the Date of the Judgment, Decree, or Decretal Order complained of, and unless the value of the Matter in Dispute in such Appeal shall amount to the sum of Ten Thonsand Company's Rupees, at least, and that from and after the said 31st day of December next, the limitation of Five Thousand Pounds Sterling heretofore existing in respect of Appeals from the Presidency of Fort William in Bengal, shall wholly cease and determine.

2. That in all cases in which any of such Courts shall admit an Appeal to Her Majesty, Her Heirs and Successors in Council, it shall specially certify on Proceedings that the value of the Matter in Dispute in such Appeals amounts to the sum of Ten Thousand Company's Rupees or upwards, which certificate shall be deemed conclusive of the fact, and not be liable to be questioned on such Appeals by any Party to the suit appealed.

3. PROVIDED NEVERTHELESS, That nothing herein contained shall extend, or be construed to extend, to take away, diminish, or derogate from the undoubted Power and Authority of Her Majesty, Her Heirs, and Successors in Council, upon the Petition at any time of any Party aggrieved by any Judgment, Decree, or Decretal Order of any of the aforesaid Courts, to admit an Appeal therefrom upon such other terms, and

upon and subject to such other Limitations, Restrictions and Regulations as Her Majesty, Her Heirs and Successors, shall in any such special case think fit to prescribe.

4. That on the arrival of the Transcripts of Proceedings in an Appeal to Her Majesty, Her Heirs and Successors in Council, from any of the said Courts of Suddur Dewany Adawlut or any other Courts in the East Indies constituted by the East India Company, or any of their Governments from which an Appeal lies to Her Majesty in Council, such Officer of the East India Company as the Court of Directors of the said Company shall from Time to Time appoint, shall forthwith give notice to the Clerk of the Council thereof, stating at the same time the names of the parties to the Appeal, and the date of the Decree Appealed from, and that such notice shall be duly registered in the Council Office.

5. That the said Transcripts of Proceedings shall be kept at the East India House, or at such other convenient place within the Cities of London or Westminster as the said Court of Directors shall from time to time appoint; the Agents respectively conducting and defending such Appeals in this Country, being at liberty to take all the necessary Copies and Extracts from the said Proceedings, and to Examine the same from Time to Time; and it shall be the duty of such Officer, by himself or his sufficient Deputy to produce the original Transcripts before the Judicial Committee, upon the Hearing of such Appeal, upon due notice for that purpose previously given, and upon all other occasions when thereunto required by the Privy Council or the Judicial Committee.

6. That in default of the Petition of Appeal of the Appellants being lodged in the Council Office within three Calendar months from the Registration of the Arrival of such Transcripts, or in default of the Appellant's case being carried in within one year from the time of such Registration, the Respondent shall be entitled in either case to move to dismiss the Appeal for want of Prosecution; and in the event of the Respondent's not bringing in his case within one year from the time of such Registration the Appellant shall be entitled to apply to have the case heard ex-parte.

(Signed) C. C. GREVILLE.

I Certify that, the foregoing is a true Copy of the Original Order in Council, of the 10th day of April 1838.

(Signed) J. B. LENNARD.

प्रिविकोसलचा हुकूम

सन १८३८ चे अप्रिलमहिन्याचे दाहावे तारखेस पादशहाने प्रिविकोसलांत बसल्यावर असा हुकूम फरमाविला आहे.

माजी पादशाहा विलियम धि फोर्थ याचे राज्याचे चवथे वर्षात पादशाहाचे प्रिविकोसलांत जारीतीने फिर्यादीचा इनसाफ चालेल ती रीत ठरवायाविषयी एक हाटुट ठरविला होता आणि त्यांत असें लिहिलें आहे कीं जेव्हां पादशाहास योग्य दिसेल तेव्हां जा रीतीने व जा मुदतींत इंडिया देशांतील व जो देश केप आफ गुड होपाचे पूर्व भागांत आहे त्यांतील अदालतीचे कोडतापासून पादशाहाचे प्रिविकोसलांत अपील चालेल आणि कोसलांत आलेल्या अपिलाचा फैसला विलंबावांचून करायाविषयीं कानू व जितके रुपयांचे फिर्यादीवर अपील चालेल व अपिलास किती खर्च लागेल तें सर्व ठरवायास पादशाहा मुखत्यार आहे आणि सन १८३३ चे

जानेवारी महिन्याचे सोळावे तारखेस माजी पादशाहाने याबाबतींत हुकूम फर्माविला होता आणि त्या साला चे आगष्ट महिन्याचे दाहाव्ये तारखेस माजी पादशाहाने त्या हुकुमांतून कांहीं हुकूम रद्द केले ते सर्व कायदे का नू व हुकूम प्रिविकोसलाचे अपिलाबाबद्द हालीं चालत ते रद्द होतील असे हालीचे पादशाहाने प्रिविकोसलां त बसल्यावर ठरविलें आहे.

यास्तव पादशाहानें या प्रिविकोसलाचा विचार घेऊन असें फरमाविलें आहे कि जे कायदे कानू व हुकूम प्रि विकोसलाचे अपिला बाबद्द हालीं चालतात ते रद्द होतील आणि खालील कलमांत लिहिलेले हुकूम चाल तील आणि असें फर्माविलें आहे कि बंगाल्यांतील व मद्रासेंतील व मुंबईतील व पुलपिनानांतील व मलकांतो ल व सिंगापुरांतील पादशाहाचे सुप्रीम कोडताचे जडज आणि इनरावल कंपनीचे दिवाणी अदालतीचे को डताचे जडज याणी तो हुकूम मानावा आणखी इंडियाचें गवरनर जनरल कोसल व बंगाल्याचा गवर्नर व म द्रासचें गवरनर कोसल व मुंबद्दचें गवरनर कोसल व आग्र्यांचा गवरनर यांणीहि त्या हुकुमाप्रमाणे वर्त्तावें.

सही सी. सी. येवील

वर मांगीतलेलीं कलमें

कलम १

जर फिर्याद १०००० रुपयांहून कमी असेल किंवा जर वाद्यानें किंवा प्रतिवाद्याने निवाडा ठरविलेले दिव सापासून साहा महिन्याचे आंत पादशाहाचे प्रिविकोसलांत अपील करण्याची आज्ञा मागीतली नसेल तर बं गाल्यांतील व मद्रासांतील व मुंबद्दतील व पुलपिंनानांतील व सिंगापुरांतील व मलकांतील पादशाहाचे सुप्रीम कोडताचे जडज आणि इंडियाचे इनरावल कंपनीचे दिवाणी कोडताचे जडज याणी अपील करण्याची आ ज्ञा देऊं नये आणि हा हुकूम येत्ये डिसेंबर महिन्याचे ३१ ये तारखेपासून चालू होइल आणि त्या तारखेपासू न जी रीत हालीं बंगालचे इलाक्यांतील देशांत चालत्ये कि फिर्याद पांचहजार पौंड इरलींगांची नसेल तर अपील चालणार नाहीं ती रीतरद्द होइल.

कलम २

आणि जेव्हां वर लिहिलेले जडजाने पादशाहाचे प्रिविकोसलांत अपील करण्याची आज्ञा दिली असेल तेव्हां त्याणे इनसाफाचे कागदावर असें सरटिफिकोट लिहिलें पाहिजे कि हो फिर्याद १०००० रुपयांची किं वा अधिक आहे आणि प्रिविकोसलांत तें सरटिफिकोट खरें असें मानलें जाइल आणि तें खोटें किंवा खरें या विषयीं साक्ष घेणार नाहीं.

कलम ३

परंतु जर कोणेक वाद्यास कींवा प्रतिवाद्यास असें वाटेल कि आमचे फिर्यादीचा फैसला जडजाने योग्यरी तीने केला नाहीं आणि तो अर्जी प्रिविकोसलांत या बाबद्द देइल तर योग्य दिसल्यास अपील करण्याची आ ज्ञा देण्यास पादशाहा मुख्त्यार आहे.

कलम ४

आणि जेव्हां इनरावल कंपनीचे दिवाणी कोडतापासून अपिलाचीं कागदपत्रें कोर्ट डरेक्टराकडे पोंचतो ल तेव्हां जो अमलदार त्याकामावर कोर्ट डरेक्टराने नेमला असेल त्याणे प्रिविकोसलाचे क्लार्कास तावडतो ब नोटीस लिहून कळवावी आणि त्या नोटिशींत अपिलाचे वादी व प्रतिवादी यांचीं नावें व जा तारखेस फिर्यादीचा निवाडा झाला तें सर्व ल्याहावें आणि त्या क्लार्काने तो नोटीस प्रिविकोसलाचे दप्तरांत नोंदावी

कलम ५

आणि कोर्ट डरेक्टराने अपिलाचे कागदपत्र लंडन शहरांतील इष्टइंडिया हौसाचे कोणेक अमलदारास बा ळगायाचा हुकूम करावा आणि वाद्याचे व प्रतिवाद्याचे नेमलेले वकिलास ते कागदपत्र तपासण्याचो व त्याची नकल करण्याची आज्ञा अमलदाराने द्यावी आणि जेव्हां प्रिविकोसलाची जुडिशल कमिटी अपिलाचा इन साफ करत्ये तेव्हां त्या अमलदाराने किंवा त्याचे डिपुटीने अपिलाचीं असल कागदपत्रें कमिटीपाशीं आण लीं पाहिजेत आणि जर कदाचित प्रिविकोसल कींवा जुडिशल कमिटी आपलेकडे अपिलाचे कागदपत्र आ णाव्याचा हुकूम करील तर त्या अमलदाराने कींवा त्याचे डिपुटीने कागदपत्रें आणलीं पाहिजेत.

कलम ६

आणि वर लिहिलेली नोटीस प्रिविकोसलाचे दप्तरांत नोंदल्ये दिवसापासून तीन महिन्यांचे आंत वाद्याचे वकिलाने अपिलाची अर्जी प्रिविकोसलांत दिल्ही नसेल अथवा त्यादिवसापासून एक वर्षाचे आंत वाद्याचे वकिलाने अपिलाचा इनसाफ करण्याचा आरंभ केला नाहीं तर प्रतिवाद्याचे वकिलास अपिलकाढून टाकण्याविषयीं अर्जी देण्याचा अख्त्यार आहे आणि जर प्रतिवाद्याचे वकिलाने नोटीस नोंदल्ये दिवसापासून एक वर्षांत अपिलाचा जबाब नदेइल तर वाद्याचे वकिलास प्रतिवाद्याचे वकिलास ऐकविल्यावांचून अपिलाचा इनसाफ करण्याविषयीं अर्जी प्रिविकोसलांत लिहून देण्याचा अख्त्यार आहे.

सई. सी. सी. ग्रवील.

मी साक्षी देतो कि सन १८३८ चे अप्रिल महिन्याचे दाहाव्ये तारखेस जो हुकूम पादशाहाने प्रिविकोसलांत बसून फरमाविला त्याची वर लिहिलेली नकल खरी आहे.

डब्लयु. इ. केनरड.

(A True Translation.)

VANS KENNEDY.

Translator.

प्रिविकोसलनुं हुकमनामुं

सन १८३८ नां अप्रील महिनांनी दसमी तारिखे पादशाहे प्रिविकोशलमांहां बेठांपछे आरीतनो हुकम फरमाव्योछे.

माजी पादशाहा विलियम धि फोर्थ एओनां राजनां चोथा वरसमांहां पादशाहानी प्रिविकोसलमांहां जेरी ते फरियादीनो इनसाफ चालसे ते रीत ठरावा विशे एक हाटुट ठरावो हतो अने तेहेमां एहवुं लख्युं छे के जे वारे पादशाहाने योग्य जोयामां आवे तेवारे जेरीते तथा जे मुदतमांहां ईंडिया देशमानां तथा जे देश केप आफ गुडहोपनी पुरव भागेछे तेमांहेनी अदालतनी कोरटथी पादशाहानी प्रिविकोसलमांहां अपील चालशे अने कोशलमांहे आवेला अपिलनां फेसला उतावळीथी करवा विशे कानु तथा जेटला रुपैयानीफरियादी उपेर अपील चालसे तथा अपिलनो शुंखरच थशे ये सघलुं ठरावाने पादशाहा मुखतियार छे अने सन १८३३ नां जानेवारी महिनांनी सोलमी तारिखे माजी पादशाहे एबाबदमांहां हुकम फरमाव्यो हतो अने ते शालनां आगष्ट महिनांनी दसमी तारिखे माजी पादशाहे ते हुकममांहेथी केटला एक हुकम रद किधा ते सघला कायदा कानु तथा हुकम प्रिविकोसलनी अपिलने वास्ते चालमांहां चालेछे ते रद थसे एपरमाणे अवळांनां पादशाहे प्रिविकोसलमांछे बेठां पछे ठराव्युं छे.

वास्ते पादशाहे ए प्रिविकोशलनो मनसुबो लइने एम फरमाव्यछे के जे कायदा कानु तथा हुकम प्रिविकोशलनी आपिल बाबद हवडां चालेछे ते रद थसे अने हेठळनी कलममांहे लखेला हुकमो चालशे अने एहवुं फरमाव्युं छे के बंगालामांहेनी तथा मधरास मांहेली तथा मुंबइमांनी तथा पुलपिनांनांमांनी तथा मलकानी तथा सिंगापुरमांनी पादशाहानी सुप्रीमकोरटनां जजज अने हमराबल कंपनीनी देवानी अदालतनी कोरटनां जजज ए बेाणे ते हुकम मानवो अनेवळी ईंडियानी गवरनर जनरल कोशल तथा बंगालानेा गवरनर तथा मधरासनी गवरनर कोसल तथा मुंबइनी गवरनर कोसल तथा आगरानेा गवरनर एओणे पण ते हुकम परमाणे चालवुं

सही सी. सी. ग्रेवील

उपर लखेली कलमेा

कलम पेहेली

जो फरियाद १००० रुपैयाथी ओछी हसे अने जो वादीये किंवा प्रतिवादीये निवेडो ठरावेला दिवसथी छ महिनांनी मांहे पादशाहानी प्रिविकोशलमांहां अपील करवानी रजा मागी नहीं हसे तेा बंगालामांनी तथा मधरासमांनी तथा मुंबइमांनी तथा पुलपिनांनांमांनी तथा सिंगापुरमांहांनी तथा मलका मांहांनी पादशाहानी

सुप्रीम कोरटनां जडज अने इंडियानी इनराबल कंपनीनी दिवानी कोरटमांनां जडज एओणे अपील करव नी रजा आपवी नही अने आ हुकम आवता डिजंबर महिनानी ३१ मी तारीखथी चालु थशे अने ते तारीख थी जे रोत इवडां बंगाला इलाकामांहांनां देशमांहां चाले कांइ जे फरियाद पांचहजार पौंड इरलींगनी नहि इसे तोअपील चालनार नहीं ते रोत रदथशे.

कलम बीजी

अने जारे उपेर लखेला जडजे पादशाहानी प्रिविकोशलमांहां अपील करवानी आज्ञा आपीहशे त्यारे तेणे इनसाफनां कागल उपेर आ रीते सर्टीफिकिट लखवुं जोइये के आ फरियाद १०००० रुपैयानी कींवा वधारे छे अने प्रिविकोशलमांहां ते सर्टीफिकिट खरुं एम मनायुं जशे अने ते खोटुं कींवा खरु एविशे साक्षी लेवाशे नहीं

कलम त्रीजी

पण जो कोइएक वादीने कींवा प्रतिवादीने एम नजरमां आवशे के हमारी फरियादीनो फेसलो जडजे बराबर किधो नथी अने ते अर्जी लखीने प्रिविकोशलमांहां आपशे ने घटतुं होय तो अपील करवानी आज्ञा आपवाने पादशाहा मुखतियार छे

कलम चोथी

अने वली ज्यारेइनराबल कंपनीनी दिवानी कोरटथी अपीलनां कागलपत्रो कोर्ट डरेकटरने पोंहचशे तेवारे जे अमलदारने कोर्टडरेकटरे कामउपर निमेलो हशे तेणे प्रिविकोशलनां क्लार्कने तुरत नोटीस लखीने जणाववुं अने ते नोटीसमांहां अपीलनां वादि तथा प्रतिवादी एओनां नांमो तथा जे तारिखे फरियादीनो निवेडो थयो ते सघलुं लखवुं अने क्लार्के ते नोटीस प्रिविकोशलनां दफ्तरमांहे नोधवी.

कलम पांचमी

अने वली कोर्ट डरेकटरे अपिलनां कागलपत्रो लंडन शहेरमानां इष्ट इंडिया हौसनां कोइएक अमलदारने राखवानो हुकम करवो अने वादीनां तथा प्रतिवादीनां निमेला वकिलने तेकागलपत्रो तपासवानी तथा तेनी नकल करवानी रजा अमलदारे आपवी अने जेवारे प्रिविकोशलनी जुडीशल कमिटी अपीलनो इनसाफ करे तेवारे ते अमलदारे कींवा तेनां डिपुटीये अपीलनां असल कागलपत्रो कमिटीपासे लाववां जोइये अने जो कदाचित् प्रिविकोशल कींवा जुडिशल कमिटी पोतानी पासे अपीलनां कागलपत्रो आणवानो हुकम करशे तो ते अमलदारे कींवा तेनां डिपुटीये कागलपत्रो लाववां जोइये.

कलम छठी

अने उपर लखेली नोटीस प्रिविकोशलनां दफतरमां नोंधेला दिवसथी त्रण महिनामांहे वादीनां वकीले अपीलनी अर्जी प्रिविकोशलमांहे आपी नहीं होय अथवा ते दिवसथी एक वरसनीमांहे वादीनां वकीले अपीलनो इनसाफ करावामां ओ नहीं तो प्रतिवादीनां वकीलने अपील काढाडी नाखवावीशे अर्जी आपवानो अखत्यार छे अने जो प्रतिवादीनां वकीले नोटीस नोंधवानां दिवसथी एक वरसनीमांहे अपीलनो जवाप नहींआप्यो तेा वादीना वकीलने प्रतिवादीना वकीलने संभळाव्यावगर अपीलनो इनसाफ करवाविशे अर्जी प्रिविकोशलहेाशे आपवानो अखतियार छे

सही. सी सीमे वील.

हुं साक्षी आपुं छउंके सन १८३८ नां अप्रिल महिनानी दसमी तारिखे जे हुकम पादशाहे प्रिविकोशलमांहां बेशीने फरमाव्यो तेहेनी उपेर लखेली नकल खरीछे.

डब्लयु. इ. लेनरड

(A True Translation.)

VANS KENNEDY.

Translator.

To THE ZILLAH JUDGES,

SIR,

No. 100.

Forwarding an extract from a letter fromGovernment, having reference to Native Judicial Functionaries.

Under instructions from the Hon'ble the Governor in Council, I am directed by the Judges to forward for your information and guidance, an Extract, being Para : 3d of Mr. Secretary Willoughby's letter of the 5th Instant, the same having reference to the Native Judicial Functionaries.

I have &c,
(Signed) C. SIMS,
Actg. Register,

Bombay, Sudder Dewanee Adawlut,
28th November 1838.

Extract, Para: 3*d of a letter from Mr. Secretary Willoughby, dated* 5*th Nov.* 1838,

3. The Governor in Council considers, that suspension for a fixed period, might in many cases, be substituted for dismissal, with advantage, and that in some instances it would be desirable that an intimation in respect to the consequence of such acts which may be ignorantly committed, should be made to the Native Judicial Functionaries.

(True Extract.)
(Signed) C. SIMS,
Actg. Register,

To THE COLLECTORS,

SIR,

No. 101.

Forwarding an extract from a letter from the Secretary to Govt., and requesting attention to the precautions therein enjoined.

I am directed by the Judges of the Sudder Dewanee Adawlut to forward for your future guidance an Extract from Mr. Secretary Willoughby's letter of the 29th ultimo, and to request, that in future in taking Security for the payment of the costs in cases appealed to the Queen in Council, the precaution therein suggested be attended to.

I have &c.
(Signed) C. SIMS,
Acting Register,

Bombay, Sudder Dewanee Adawlut,
12th December, 1838.

Extract, Para : 2*d of a letter from Mr. Secretary Willoughby, dated* 29*th Nov.* 1838.

In reply I am instructed to inform you, that the Hon'ble the Governor in Council is not aware of any course that can be adopted, excepting that every precaution should be observed by the authorities taking the security, that it is good and sufficient. At the time of taking it, what may befall the Security subsequently, cannot be foreseen, and cannot therefore be guarded against. If, however, the security have rent property, then alien should be taken on that property, and persons having such property should rather be taken as securities than others.

(True Extract)
(Signed) C. SIMS.
Acting Register,

To THE SEVERAL ZILLAH JUDGES.

SIR,

No. 102. I am directed by the Judges of the Sudder Dewanee Adawlut, to forward for your information and guidance, the accompanying copy of a letter addressed to the Judge of Poona, under date the 12th October 1833.

Forwarding copy of a letter addressed to the Judge of Poonah.

I have &c.
(Signed) C. SIMS,
Acting Register.

Bombay, Sudder Dewanee Adawlut,
22d January 1839.

No. 103. WROTE THE FOLLOWING LETTER TO THE JUDGE OF POONAH.

General No. 870.

SIR,

With final reference to the correspondence relating to the authentication by Kazees of Wakalut and Mooktearnamahs, I am directed to inform you, that the notice issued by Mr. Bell, when Acting Judge at Poonah, must cease to have effect, as it is not within the competence of any Civil Court to compell all classes of persons indiscriminately to authenticate their documents in the manner prescribed, which is rendered more objectionable from its subjecting parties to a tax in the shape of fee.

The provisions of Regulation XXVI, A. D. 1827, affect only persons of Mahomedan persuasion, and then only in matters pertaining to doctrinal or religious rites. Indeed, it was in the express contemplation of the framers of that Regulation, that as the duties of the Kazee were therein defined to relate to doctrinal and religious rites, the authentication of deeds of all kinds, which had in some places been performed by the Kazee, should cease to be considered a part of his duties.

I have &c.
(Signed) H. YOUNG,
Register.

Bombay, Sudder Dewanee Adawlut,
12th October 1833.

To THE JUDGES AND SESSION JUDGES.

SIR,

No. 104. I am directed by the Judges of the Sudder Dewanee and Sudder Foujdaree Adawlut, to call your attention to the instructions contained in the circular letter of the Court, dated the 23rd September 1825, directing the record of all expositions of the Law, by the Officers, for the purpose of references, and to request, that you will cause the same to be strictly observed in your department.

Enjoining attention to the Court's Circular, dated the 23d September 1825.

I have &c.
(Signed) C. SIMS,
Acting Register.

Bombay, Sudder Dewanee and Foujdaree Adawlut, 25th February 1839.

To THE SESSION JUDGES AND MAGISTRATES.

SIR,

No. 105.

On the promulgation of an Interpretation of any Regulation or Act, the same to be translated into the language of the Provinces, and to be distributed amongst the Native Authorities.

The Judges of the Sudder Adawlut request, that the above authorities will, on the promulgation of an Interpretation of any Regulation or Act, have the same translated into the language of the Province, and copies of it distributed amongst the native authorities.

I have &c.

(Signed) C. SIMS,
Acting Register.

Bombay, Sudder Dewanee and Foujdaree Adawlut, 4th March 1839.

To THE JUDGES, SESSION JUDGES, COLLECTORS AND MAGISTRATES.

SIR,

No. 106.

No Letters in future to accompany Periodical Statements and Bills.

The Judges of the Sudder Dewanee and Foujdaree Adawlut, have been pleased in future, to dispense with any letter accompanying periodical Statements and Bills from the Subordinate Departments forwarded to this Court.

I have &c.

(Signed) P. W. LEGEYT,
Register.

Bombay, Sudder Dewanee and Foujdaree Adawlut, 13th April 1839.

To THE JUDGES AND SESSION JUDGES AND MAGISTRATES.

SIR,

No. 107.

Attention enjoined to the Court's Circular of the 16th May 1835. The Summons for the attendance of a Public Servant, to be sent to the officer under whom such Servant may be employed.

The Sudder Foujdaree Adawlut have been pleased to direct, under instructions from Government, that attention be called to the instructions conveyed in the Court's circular No. 505 of 1835, dated the 16th of May of that year, and in extention thereof to establish as a rule, that whenever it may be necessary to summon a public Servant of any description to give evidence, that the citation be invariably sent to the Officer under whom such public Servant may be serving.

I have &c.

(Signed) P. W. LEGEYT,
Register.

Bombay, Sudder Dewanee and Foujdaree Adawlut, 20th April, 1839.

To THE JUDGES, SESSION JUDGES AND MAGISTRATES.

SIR,

No. 108.

No charge for contingencies to be made in

It has been brought to the notice of the Sudder Dewanee and Sudder Foujdaree Adawlut that in many cases a charge of ten per cent is made for contingencies in the estimates

estimates for buildings &c. forwarded to the Court.

for buildings &c. submitted thro' the Court for the sanction of Government, and they have been pleased to direct, that no such charge shall in future be included in the estimates.

I have &c.
(Signed) P. W. LEGEYT,
Register.

Bombay, Sudder Dewanee and Foujdaree Adawlut, 23rd April 1839.

To THE JUDGES, SESSION JUDGES AND MAGISTRATES.

SIR,

No. 109.

Strict adherence enjoined to the Government Circular of the 20th May 1831, in regard to the transmission of all estimates, either for annual repairs or for buildings, in the month of February in each year.

In consequence of several instances of estimates for annual repairs having been transmitted after the period fixed by Government, the Judges of the Sudder Foujdaree Adawlut have been pleased to enjoin strict adherence to the rules laid down in the Government Circular of the 20th May 1831, limiting the period for transmission of estimates, either for the annual repairs or for buildings, to the month of February in each year.

I have &c.
(Signed) P. W. LEGEYT,
Register.

Bombay, Sudder Dewanee and Foujdaree Adawlut, 30th April 1839.

To THE ZILLAH JUDGES.

SIR,

No. 110.

When the cushions now in use for the use of the Vakeels are worn out, estimates for benches to be furnished.

The Hon'ble the Governor in Council having been pleased to direct the introduction of Benches for the Vakeels of your Adawlut, I am directed by the Judges of the Sudder Dewanee Adawlut to request, that when the Cushions now in use are worn out, estimates for Benches may be preferred for sanction.

I have &c.
(Signed) A. SPENS,
Acting Deputy Register.

Bombay, Sudder Dewanee Adawlut, 9th June 1839.

To THE ZILLAH JUDGES.

SIR,

No. 111.

Applications from Prisoners in the Civil Jail, made under Section LXIV of Regulation IV of 1827, may be received on stamped or unstamped paper, at the discretion of the Judge.

The Judges of the Sudder Adawlut have been pleased to rule, under instructions from Government, that applications from Prisoners in the Civil Jail, made under Section LXIV, Regulation IV of 1827, may be received either on stamped or unstamped paper, at the discretion of the Judge.

I have &c.
(Signed) P. W. LEGEYT.
Register.

Bombay, Sudder Dewanee Adawlut, 14th June 1839.

To THE ZILLAH JUDGES AND COLLECTORS.

SIR,

No. 112.

The Instructions of the 23d April 1839, not to be considered s an interpretation of Clause 2d, Section XVII of Regulation XVI of 1827.

I am directed by the Judges of the Sudder Dewanee Adawlut, to notify for your information, that they find, on a reference to the Hon'ble the Governor in Council; that the Instructions of 23d April 1839 have been erroneously deemed an Interpretation of Clause 2d, Section XVII, Regulation XVI of 1827, and are therefore not to be considered as such in future.

I have &c.

(Signed) A. SPENS.

Acting Register.

Bombay, Sudder Dewanee Adawlut, 29th June 1839.

To THE JUDGES AND SESSION JUDGES AND MAGISTRATES.

SIR,

No. 113.

Declaring that the Duplicates of all Bills transmitted to the Court, may be furnished in the Native Language.

With reference to the Circular Order published in the Government Gazette of the 28th March last, page 217, requiring Duplicates of all Bills submitted thro' this Court, I am directed by the Judges of the Sudder Dewanee and Foujdaree Adawlut to notify for your information, that they see no objection to the Duplicates being sent up in the native language.

I have &c.

(Signed) P. W. LEGEYT.

Register.

Bombay, Sudder Dewanee and Foujdaree Adawlut, 17th August 1839.

To THE JUDGES, SESSION JUDGES, COLLECTORS AND MAGISTRATES.

SIR,

No. 114.

All balances of pay due for broken periods, and not claimable by the parties, to be credited to the Fine Fund, and appropriated to the entertainment of additional Carcoons, when required.

I am directed by the Judges of the Sudder Adawlut to notify for your information, that the Hon'ble the Governor in Council has been pleased to extend to the Judicial Department, the Rule passed in the Revenue Department under date the 22d April last, for carrying to the Credit of the Fine Fund, all balances of pay that cannot be claimed by the parties, due for broken periods, in consequence of suspension, death or resignation of Public Servants, till the appointment of their successors, and to authorize the same to be applied towards entertaining additional Carkoons when they may be required.

I have &c.

(Signed) P. W. LEGEYT,

Register.

Bombay, Sudder Adawlut, 31st August 1839.

TO THE ZILLAH JUDGES.

SIR,

No. 115.

A statement to be furnished to the Court on the 1st January of each year, containing the names of the three most zealous moonsiffs, such names being entered in the order of estimated merit, or if two officers be equally deserving of praise, their names to be inserted in a bracket. The length of service also to be specified.

I am directed by the Judges of the Sudder Dewanee Adawlut to inform you, that they have been pleased to direct, that a list be furnished to this Court on the 1st of January in each year, containing the names of the three most zealous, capable and trust-worthy Moonsiffs within your jurisdiction. The names in such list to be entered, if possible, in the order of estimated merit, or the names of those whose claims to promotion are considered equal, to be inserted in a bracket.

You will be pleased to state the length of service of each, both as Moonsiff and in any other previous situation.

I have &c.

(Signed) P. W. LEGEYT,

Register.

Bombay, Sudder Dewanee Adawlut, 20th Sept. 1839.

TO THE JUDGES AND MAGISTRATES.

SIR,

No. 116.

The sufficiency of security given by those officers who are called on to furnish it, to be ascertained during the last week of December of each year, the result being reported to the Court, according to a form now forwarded.

I am directed by the Judges of the Sudder Adawlut to desire, that you will be particularly careful in ascertaining the efficiency of security of those Officers of your Establishment who are bound to furnish it.

You will further be pleased to cause the efficiency of such security to be carefully revised during the last week in December of each year, and to submit a Report of the result of the same, according to the accompanying form.

I have &c.

(Signed) P. W. LEGEYT,

Register.

Bombay, Sudder Adawlut, 20th Sept. 1839.

FORM.

Report of the result of the enquiry as to the sufficiency of the security given by the Officers of the Court, made in the month of December 18 under the Circular Order of the Sudder Dewanee and Foujdaree Adawlut, dated the 20th September 1839.

Name and designation of the Officer required to give security.	Amount of security required.	Names of the securities, with the date of their engagements.	Names of new securities, the securities old having been changed.	Remarks.

To THE ZILLAH JUDGES.

No. 117.

When the period allowed for appeals shall expire during an adjournment of Court, the Petition must be presented within ten days after its reopening. No deduction however for any holiday or vacation, falling within any intermediate period, fixed for the reception of appeals, to be made, and if such period should expire on a Sunday or other holiday, the Petition must be presented on the following day.

SIR,

With reference to the fixed period allowed for appeals by the Regulation, the Judges of the Sudder Dewanee Adawlut are pleased to direct, that when such period shall expire during an adjournment of Court on account of any holiday or vacation, no default shall attach to the appellant for not delivering his petition of appeal until the Court be again opened, but it is to be understood, that it must be presented within the first ten days after the re-opening of the Court.

When any holiday or vacation shall fall within any intermediate part of the fixed period for the reception of appeals, no deduction shall, on that ground, be made from the said period, and if the period should expire on a Sunday or other holiday, the petition must be presented on the following day.

I have &c.

(Signed) P. W. LEGEYT,

Register.

Bombay, Sudder Dewanee Adawlut,
25th September 1839.

To THE ZILLAH JUDGES.

No. 118.

Forwarding new rules to be observed in regard to the remuneration to be allowed to persons conducting sales of property.

SIR,

With reference to the Court's Circular of the 6th June last and your replies thereto, on the subject of remunerating persons for conducting sales of property, I am directed by the Judges of the Sudder Dewanee Adawlut to issue for your future guidance the following instructions, which you will observe supercede those contained in the Court's Circular of the 5th January 1832, and to request, that strict attention be paid to them.

The sales to be under the authority of the Nazir, for which purpose he is allowed to entertain a Carcoon or Mehta, to be paid out of the charges, which are fixed at one per centon the amount of sale. A return of the receipts and disbursement should be forwarded to this office at the expiration of six months, to enable the Court to judge whether any amendment be required.

I have &c.

(Signed) G. GRANT,

Acting Register.

Bombay, Sudder Dewanee Adawlut,
15th October 1839.

To THE ZILLAH JUDGES.

No. 119.

The allowance to Debtors in Jail, to be from two to four annas per diem.

SIR,

I am directed to state for your information and future guidance, that the Judges of the Sudder Dewanee Adawlut have been pleased to resolve, that the allowance for Debtors in confinement in Jail, be from two to four annas per diem.

I have &c.

(Signed) G. GRANT,

Acting Register.

Bombay, Sudder Dewanee Adawlut,
28th October 1839.

To THE JUDGES AND SESSION JUDGES.

SIR,

No. 120.

All Assistant Judges at the Sudder Station to be considered as the 1st or Senior Assistant Judges.

I am directed by the Judges of the Sudder Dewanee and Foujdaree Adawlut, under instructions from Government, to instruct you, with reference to the distinction between Senior and Junior Assistant Judges and their powers in certain cases, that as there is but one Officer of that rank at each Sudder Station, he must necessarily be considered as the 1st or Senior Assistant Judge,

I have &c.

(Signed) G. GRANT,
Acting Register.

Bombay, Sudder Dewanee and Foujdaree Adawlut, 6th January 1840.

To THE JUDGES AND SESSION JUDGES,

SIR,

No. 121.

In all cases in which the services of a Jury are made use of, its members are to be present during the enquiry or trial in which their opinion is required.

It having been brought to the notice of the Court, that instances have occurred of papers having been referred after trial for the opinion of a Jury who had not been present thereat, I am desired by the Judges, under directions from the Hon'ble the Governor in Council, to instruct you, that this most erroneous mode of procedure should in no case be followed, but that on all occasions in which you may avail yourself of the services of a Jury, the members of it should be present during the enquiry.

I have &c.

(Signed) G. GRANT,
Register.

ombay, Sudder Foujdaree Adawlut, 8th January 1840.

To THE COLLECTORS AND MAGISTRATES.

SIR,

No. 122.

On the promotion of assistants to collectors and magistrates, a renewed Oath to be taken in all cases.

I am directed by the Judges of the Sudder Adawlut, under instructions from Government, to inform you, that it has been determined on the elevation of Assistants to Collectors and Magistrates, that a renewed Oath should be taken, even though the advancement may be in the same Office, and to request, that in future this rule may be strictly attended to,

I have &c.

(Signed) G. GRANT,
Register.

Bombay, Sudder Adawlut, 28th March 1840.

To THE ZILLAH JUDGES.

SIR,

No. 123.

Forwarding an order of Government in supercession, at all times but when the Civil Court are closed, of the notification of the 20th September 1832, published in the Government Gazette of the 27th Idem.

I am directed by the Judges of the Sudder Dewanee Adawlut to inform you, that the discretionary power with which you were vested under the notification of the 20th, and published in the Government Gazette of the 27th of September 1832, is to be considered as being abrogated by the accompanying Order of the 17th of April 1833, No. 793, during the time that the Civil Courts are not closed.

I have &c.
(Signed) G. GRANT,
Register.

Bombay, Sudder Dewanee Adawlut,
23rd May 1840.

Copy of the Order alluded to in the accompanying Circular, being an Extract from Mr. Secretary Bax's letter of the 17th April 1833.

His Lordship in Council desires, that no Native Judge be allowed leave of absence without the sanction of Government, and in this and further cases, the date of departure and return should be notified to Government.

(True Extract)
(Signed) G. GRANT,
Register,

To THE ZILLAH JUDGES.

SIR,

No. 124.

The Courts of all Native Judicial Functionaries to be closed on Sundays, and no business transacted, excepting certain Ministerial Acts in cases of emergency.

I am directed by the Judges of the Sudder Adawlut, with reference to the Court's Circular of the 14th November last, to request, that you will have the goodness to instruct all the Native Judicial Functionaries under your control, to close their Courts on Sundays, providing only, as at the Madras Presidency, for the performance of certain Ministerial Acts in cases of emergency, when delay would be productive of public inconvenience.

I have &c.
(Signed) G. GRANT,
Register.

Bombay, Sudder Adawlut, 25th May 1840.

Extract from a Letter from the Acting Register of the Sudder Adawlut at Madras, dated 3d April 1839.

Para. 2nd. The Judges direct me to add, that they have thought fit to issue instructions, enjoining a discontinuance of the practice wherever it prevails, providing only for the performance of certain Ministerial Acts in cases of emergency, when delay would be productive of public inconvenience.

(True Extract)
(Signed) G. GRANT,
Register.

To THE ZILLAH JUDGES.

SIR,

No. 125. The expense of translating Papers, to be provided for in the amount of Security demanded from parties appealing to Her Majesty in Council.

In intimating to you for your information and future guidance the resolution of the Hon'ble the Governor in Council, that parties appealing to the Queen in Council should be required to deposit in the public Treasuries a sum sufficient to defray the expenses of the Appeal, I am directed by the Judges of the Sudder Dewanee Adawlut to observe, that under the interpretation of Clause 4th, Section C. Regulation IV. of 1827, the expenses for translating and preparing papers, hitherto levied as the Register's Fees, ought to be included in the amount of these costs.

I have &c,

(Signed) G. GRANT,
Register.

Bombay, Sudder Dewanee Adawlut,
26th June 1840.

To THE JUDGES, SESSION JUDGES, COLLECTORS & MAGISTRATES.

SIR,

No. 126. Commissions forwarded from the Supreme Court at Bombay, to be executed with care and dispatch.

Under instructions from the Hon'ble the Governor in Council, I am directed by the Judges of the Sudder Adawlut to request, that Commissions addressed to you and your Assistants from the Supreme Court of Judicature at Bombay, for the examination of witnesses, may hereafter be executed with care and dispatch.

I have &c.

(Signed) G. GRANT,
Register.

Bombay, Sudder Adawlut, 30th June 1840.

To THE ZILLAH JUDGES.

SIR,

No. 127. Attention enjoined to the Court's Circular of the 7th June 1831, relative to the balance of Cash to be retained in the hands of the Nazir.

It appearing to the Judges of the Sudder Dewanee Adawlut, that the rules established by the Court's Circular of the 7th June 1831, relative to the balance to be retained in the hands of the Nazirs of the several Adawluts, have not in some instances been adhered to, I am directed by the Judges of the Sudder Dewanee Adawlut to request, that you will in future strictly conform to them.

I have &c.

(Signed) G. GRANT,
Register.

Bombay, Sudder Dewanee Adawlut,
3d August 1840.

To THE ZILLAH JUDGES.

SIR,

No. 128.

The power vested in the Judges, of granting leave of absence, free of deduction, to Native Judicial Functionaries, to be considered as cancelled in respect to all such Officers, when the Courts are not closed, by the order of the 17th April 1833.

It not appearing to be clearly understood, whether, under the Circular Instructions issued by the Court on the 23d May last it was intended, that the Order of the 17th April 1833 was to be considered as totally abrogating the notification of the 20th and published in the Government Gazette of the 27th September 1832, or whether it merely abrogated such part of the said notification as applied to Native Judges, I am directed by the Judges of the Sudder Dewanee Adawlut to inform you, that the discretional power with which you were vested under the notification of the 20th September 1832 to grant leave free of deduction to Native Judicial Functionaries is to be considered as entirely abrogated in regard to all Judicial Functionaries when the Courts are not closed: the leave to which these Officers are entitled during the recess, according to the Circular No. 555 of 1836, being considered a sufficient indulgence.

I have &c.
(Signed) G. GRANT,
Register.

Bombay, Sudder Dewance Adawlut,
6th August 1840.

TO THE JUDGES AND MAGISTRATES.

SIR,

No. 129.

In forwarding more than one case or letter under one cover, the subject of such cases or letters being different, care to be taken that lists of contents be also sent, and that the papers be kept as distinct as possible.

Great inconvenience being experienced from the practice of enclosure in the same envelope of several cases or letters on subjects not connected with each other, by which papers are frequently overlooked and sometimes lost sight of altogether, I am directed by the Judges of the Sudder Adawlut to request, that in future you will have the goodness, when having occasion to forward more than one reference, the subject being different, under the same cover, to be careful in seeing that they are accompanied by a list of contents, and the papers kept as separate and distinct as possible.

I have &c.
(Signed) G. GRANT,
Register.

Bombay, Sudder Adawlut, 28th Sept. 1820.

To THE COLLECTORS.

SIR,

No. 130.

When a fine already paid is remitted on appeal to and by order of superior authority, the same to be delivered to the party.

I am directed by the Judges of the Sudder Dewanee Adawlut, under instructions from the Hon'ble the Governor in Council, to authorize you to refund the amount of any fine imposed on, and paid into your treasury by any individual, when the same has been remitted in appeal to and by order of competent superior authority.

I have &c.
(Signed) G. GRANT,
Register,

Bombay, Sudder Dewanee Adawlut,
6th October 1840.

To THE ZILLAH JUDGES.

SIR,

No. 131. When Moonsiffs are intrusted with the charge of intestate property, security to be taken for its safe custody. This order, however, being necessary in consequence of the misconduct of one Functionary, is not to be considered as implying any distrust in the Native Judicial Functionaries.

It having been brought to the notice of the Judges of the Sudder Dewanee Adawlut, that a serious defalcation has been discovered in the treasury of the late Moonsiff of Hurnee, in the Conkan Zillah, I am directed to call your attention to the necessity of adopting such measures as may impose a check against Malversation, and to inform you, that on all occasions in which Moonsiffs are intrusted with the charge of intestate property, security should be taken from them, as from others so intrusted, in order to guard against loss.

I am likewise directed to observe, that although the misconduct of one Individual has rendered it necessary to issue these instructions, yet that the confidence of the Judges in the purity of the Native Judicial Functionaries generally, is not diminished.

I have &c.

(Signed) G. GRANT,
Register.

Bombay, Sudder Dewanee Adawlut,
15th October 1840.

To THE ZILLAH JUDGES.

SIR,

No. 132. Directing that the Offices of Chobdars and Sotaburdars be abolished as vacancies occur.

His Lordship the Governor General in Council in India having resolved, that the practice of employing Chobdars and Sotaburdars in the Adawluts under this presidency shall be discontinued, I am directed by the Judges of the Sudder Adawlut to instruct you, to give effect to the said resolution as vacancies occur in this class of public servants.

I have &c.

(Signed) G. GRANT,
Register,

Bombay, Sudder Adawlut, 25th Nov. 1840.

To THE ZILLAH JUDGES.

SIR,

No. 133. Deposits on account of security in cases appealed to the Queen in Council, not to bear Interest, but the same may be made in the Company's Paper.

With reference to the Court's Circular of the 26th of June last, No. 1184 of 1840, intimating to you, that parties appealing to the Queen in Council should be required to deposit in the public Treasury a sum sufficient to defray the expenses of the appeal, I am directed by the Judges of the Sudder Dewanee Adawlut, under instructions from Government, to inform you, that interest will not be allowed on such deposits, but that it is at the option of the party from whom the deposit is required, to make the same in the Hon'ble Company's Loan Paper, which bears interest.

I have &c.

(Signed) G. GRANT,
Register.

Bombay, Sudder Dewanee Adawlut,
30th November 1840.

TO THE JUDGES AND MAGISTRATES.

SIR,

No. 134.

Forwarding a letter from Government, containing its views relative to disputes between Officers in its employ.

I am directed by the Judges of the Sudder Adawlut to forward for your information the accompanying copy of a Letter from Government dated the 2d Instant, No. 2582 Political Department, containing the views of Government on the subject of disputes between its Officers.

I have &c.

(Signed) G. GRANT,
Register.

Bombay, Sudder Adawlut, 19th Dec. 1840.

No. 2582.

Political Department.

SIR,

I am directed to transmit to you, for submission to the Judges of the Sudder Adawlut, copy of a communication from Mr. Mills, the Collector of Dharwar, dated the 25th August last, forwarding copy of a decree in his favor in the Suit filed against him in the Assistant Judge's Court by the Nazir of the Adawlut of that place.

2d. In forwarding this communication, I am desired to state, that without entering upon the merits of the case, the Hon'ble the Governor in Council is of opinion, that if the Nazir had any real complaint to make, he should have submitted it to Government as one Officer complaining against another.

3d. Had this course been adopted, the necessary inquiry would have been instituted, and if the result proved that the complaining party was entitled to redress, it would entirely have been afforded him, but the practice of resorting to such extreme measures as entering Actions for Damages by one Officer against another, can never be permitted, if the party entering such Actions wishes to continue in the service of Government.

4th. Should one Officer be desirous of bringing such an Action against another Officer, he can do so, at the risk however of the loss of the service of Government.

5th. If an Officer is really injured and submits his case to Government, it will of course afford him every redress according to the nature of the case, but it cannot allow Actions for Damages for fancied injury to character, as in this instance, among its servants, to be brought in the Court.

6th. The Governor in Council requests, that you will be pleased, under the instructions of the Judges, to inform the Judge of Dharwar to the above effect, with a request, that he will communicate the views of Government to the Nazir of his Court.

I have &c.

(Signed) J. P. WILLOUGHBY,
Secy. to Govt.

Bombay Castle, 2d December, 1840.

(True copy)

(Signed) G. GRANT,
Register.

To THE ZILLAH JUDGES.

SIR,

No. 135.

Invariable attention enjoined to the provisions of Regulation VIII. of 1827.

In order to guard against fraudulent claims being brought against the estates of deceased persons, in cases where there appears to be no known or competent heir, or trustee, I am directed by the Judges of the Sudder Dewanee Adawlut to enjoin on your part, invariable attention to the provisions of Regulation VIII of 1827.

I have &c.
(Signed) G. GRANT,
Register,

Bombay, Sudder Dewanee Adawlut,
30th December 1840.

To THE ZILLAH JUDGES.

SIR,

No. 136.

Intimating that it has been ruled in the Sudder Dewanee Adawlut, that a discharge certificate granted by Her Majesty's Courts for the relief of Insolvent Debtors, to a party within its Jurisdiction, has effect in the provinces subject to the Juridiction of the Sudder Dewanee Adawlut.

I am directed to inform you, that it has been ruled in the Sudder Dewanee Adawlut, that a discharge certificate granted by Her Majesty's Court for the relief of Insolvent Debtors, to a party within its Jurisdiction, has effect in the provinces subject to the Jurisdiction of the Sudder Dewanee Adawlut,

I have &c.
(Signed) G. GRANT,
Register,

Bombay, Sudder Dewanee Adawlut,
5th February 1841,

To THE ZILLAH JUDGES,

SIR,

No. 137.

The English version of the Regulations to be followed in regard to the time allowed for the admission of special appeals, and in regard to all cases of discrepancy between the English and Native copies.

The discrepancy between the English version of Clause 2d, Section 73 of Regulation IV. of 1827, and the translation of the same in the Maratha and Goozerathee copies of the Code, in the former of which 90 days is the period of limitation fixed, in the latter three months, having given rise to much inconvenience, if not loss, by parties being misled by the latter, I am directed by the Judges of the Sudder Dewanee Adawlut to inform you, that the English version, and not the translation, is to be followed in regard to the admission of appeals, as in all other instances of similar discrepancy.

You are requested to make this resolution as generally known as possible through the usual channel,

I have &c.
(Signed) G. GRANT,
Register,

Bombay, Sudder Dewanee Adawlut,
12th March 1841.

To THE ZILLAH JUDGES.

SIR,

No. 138.

No trying authority to proceed with the investigation of more than one suit at a time, and every deposition to be taken by such authority himself.

The Judges of the Sudder Dewanee Adawlut have reason to apprehend, that with a view to the speedy disposal of Judicial Cases, a practice obtains in the Courts of some Native Judicial Functionaries of having more than one case on hearing before them at the same time, the Karkoons being employed in taking depositions in different suits simultaneously, and I am directed to instruct you to point out to the Native Functionaries subordinate to your control, that such a practice is highly irregular and improper, and that each trying authority must have every examination made by himself, and on no account whatever proceed with more than one case at one time, unless in instances wherein the same subject is in controversy, and the same parties engaged.

You will be pleased to enforce a rigid observance of this rule, and to report any deviation therefrom to the Sudder Dewanee Adawlut.

I have &c.

(Signed) W. H. HARRISON,
Deputy Register.

Bombay, Sudder Dewanee Adawlut,
24th April 1841.

To THE ZILLAH JUDGES,

SIR,

No. 139.

Forwarding instructions relative to the authorized expences to be incurred in effecting sales in execution of decrees.

Directing also the keeping by the Nazirs and Commissioners, of correct accounts of all sums received, and disbursements made, consequent on these instructions, and the transmission yearly to this Court, of an abstract of such accounts.

The attention of the Judges of the Sudder Dewanee Adawlut having been given to the different modes of procedure in the several Zillahs in conducting the sales of property, in execution of decrees, some of which appear objectionable, as burdening parties with unnecessary expense, I am directed to inform you, that with the view of adopting an uniform system throughout, the Judges are of opinion, that 2½ per cent on the amount realized by sale is quite sufficient to cover every expense : all other charges therefore are to be discontinued, including Batta to Carkoons and Peons emyloyed on this duty, excepting when the property attached is not sold, when the usual batta may be allowed, chargeable in the first instance to the party applying for the sale of the property. If however the property is only temporarily withheld from sale, and afterwards sold by auction, the per centage of 2½ is to cover every charge, and to be once levied; it is not necessary to appoint a Crier in addition to a Carkoon, as it appears to the Judges that the latter Officer may act in both capacities, or he may be assisted by a Peon. The number of Carkoons employed must be governed by the duties required to be performed, but under every circumstance, the percentage of 2½ is never to be exceeded.

I am likewise desired to call your attention particularly to the Court's Circulars of the 5th of January 1832 and of the 19th November 1832, the former of which strictly forbids the Nazirs or others on the Adawlut establishment from receiving any percentage or other emolument (the authorized batta excepted) for the performance of such duties, in which they should always be employed, when practicable. The latter Circular enjoins the issue of a fresh notification prior to any sale which has been deferred,

I am further directed to request, that you will instruct your Nazir and Commissioners to keep careful accounts of the receipts and detail of disbursements consequent on the provisions of this communication, and that you will hand up an abstract thereof at the expiration of one year, for the information of the Judges.

I have &c.

(Signed) W. H. HARRISON,
Deputy Register.

Bombay, Sudder Dewanee Adawlut,
25th May 1841.

To THE ZILLAH JUDGES AND SESSION JUDGES.

SIR,

No. 140. The proceeds of the Fine Fund not be employed in the payment of temporary Servants, but only for the entertainment of persons permanently borne on the establishments.

I am directed to inform you, that the Hon'ble the Governor in Council has been pleased to direct, that the proceeds of the Fine Fund are not to be held available for the payment of Oomedwars and others employed temporarily on the public service, but that disbursements from this source are to be limited to persons permanently borne on your Establishments.

I have &c.

(Signed) G. GRANT,
Register.

Bombay, Sudder Foujdaree Adawlut,
7th July 1841.

To THE JUDGES AND MAGISTRATES.

SIR,

No. 141. Biennial clothing to Peons, henceforth to be furnished in the first instance to the Judges and Magistrates on their responsibility, & under the Rules established by Government, Contingent Bills of the expense being submitted for audit through this Court.

With reference to the Circular Order of Government dated the 3d December 1840, I am directed to instruct you, that so much of the 3d para. of the Government Circular dated 3d March 1830, as directs, that charges for biennial clothing of Peons shall not be incurred until the estimates have received the sanction of Government is to be considered as cancelled, and the clothing is henceforth to be furnished on your own responsibility in the first instance, under the rules established by Government, contingent bills for the expense being submitted thro' this Court, to the Civil Auditor.

I have &c.

(Signed) G. GRANT,
Register.

Bombay, Sudder Foujdaree Adawlut,
4th August 1841.

To ALL JUDICIAL OFFICERS.

SIR,

No. 142.

I am instructed by the Judges of the Sudder Dewanee Adawlut, under orders from Government, to direct, that the Patell, Koolkurnee or Mahar of a village, be required to attend all future sales of land in execution of the Decrees of Civil Courts.

The Patell, Koolkurnee or Mahar of a village to attend all sales of land, in execution of Decrees of Civil Courts.

I have &c.

(Signed) G. GRANT,

Register.

Bombay, Sudder Dewanee Adawlut,
6th August 1841.

To THE JUDGES AND MAGISTRATES.

SIR,

No. 143.

With reference to the Court's Circular of the 20th September 1839, No. 1649 of that year, on the subject of ascertaining the sufficiency of security taken from Officers of your establishment, I am instructed by the Judges of the Sudder Foujdaree Adawlut to inform you, that in future, the returns therein required, should be limited to Ministerial Officers employed in the Judicial Department, and who furnish Security relating to the duties of the same.

The returns required by the Court's Circular of the 20th Sept. 1839, No 1649, to be limited to the cases of Ministerial Officers of the Judicial Department, furnishing security relative the duties of their Offices.

I have &c.

(Sigued) G. GRANT,

Register.

Bombay, Sudder Foujdaree Adawlut,
20th August 1841.

To THE ZILLAH JUDGES.

SIR,

No. 144.

I am instructed by the Judges of the Sudder Dewanee Adawlut, to transmit to you the accompanying translation of the Interpretation on Section LXII, Regulation IV of 1827, page 8 of the Printed Interpretations, and to request, that you will have the goodness to furnish copies of the same to the Judicial Native Functionaries subordinate to your authority for their information and guidance, in regard to cases in which the extent of liability of Soldier's Pensions to attachment, in satisfaction of debts, may be matter for consideration.

Forwarding for transmission to Native Judicial Functionaries, a translation of the Interpretation on Section LXII, Regulation V of 1827.

I have &c.

(Signed) G. GRANT,

Register.

Bombay, Sudder Adawlut, 6th Oct. 1841.

કાએદાનો અરથ

શને ૧૮૨૭ નો કાએદો ૪

કલમ ૬૨૨કમ ૧ આ કાએદા પરમાંણે તથા આ કલમ પરમાંણે કરી આલ મીલકત ઉપર દાંય આવી શકે છે એવો શંનધે પડાથી ઠરાએવામાં આએલુજે જે શરકારી કામદાર શીવીલ ખાતામાંહેલા કાંમમાં હશે તેનાં પગારમાંથી જેટલો ઈશો તેનાં કરજનો પડયો કરવાને લગાડી આપવો એવું કોરટની નજરમાં વાજબી આવે ને કોરટ ઠરાવશે તેટલો ઈશો કરજનો પડયો કરવાને લગાડી આપવાને અખતીઆરછે તારીખ ૨૦ જાંનેવારી શને ૧૮૨૮ ઈશવી ❁

આકટીંગ રજીશટર શદર અદાલત

सन १८२७ चा कायदा ४

कलम ६२ कम १ या कायद्या प्रमाणे व या कलमा प्रमाणे कोणत्या जींदगीवर टाचचेउसकतो अथवा संशय पडल्यामुळें ठरण्यांत आलें कीं जे सरकारी कामदार शिवील खात्याचे कामावर अथतील त्याच्या पगारापैकीं जितकाहिसा त्याचे कर्जाचे फडयाकरितां लाउन द्यावा अथें कोउताचे नजरेस वाजवी येऊन कोउत ठरवील तितका हिसा कर्जाच्या फडयाकडे लाऊनदेण्याच अधिकार आहे तारीख २० ज्यानेवारी सन १८२८ इशवी

आकटींग रजिष्टर सदर आदालत

To THE JUDGES, SESSION JUDGES, MAGISTRATES AND JOINT MAGISTRATES.

SIR,

No. 145. In transmitting for your information and guidance the accompanying copy of a Letter to my address from the Acting Secretary to the Military Board, dated 4th instant and its accompaniment, I am directed to enjoin on you a strict observance of the forms and instructions therein contained in regard to the preparation and submitting of Estimates for Public Works in the Judicial Department.

Forwarding copy of a letter from the Acting Secretary to the Military Board, in regard to the preparation and submission of Estimates for Public Works in the Judicial Department, and enjoining particular attention thereto.

I have &c.

(Signed) G. GRANT,

Register.

Bombay, Sudder Foujdaree and Dewanee Adawlut, 14th October 1841.

No. 3634 of 1841.

Judicial Department.

PUBLIC WORKS.

TO THE REGISTER OF THE SUDDER FOUJDAREE ADAWLUT.

SIR,

I have the honor, by direction of the Military Board, to request the favor of your circulating the annexed Form of estimate for annual and special repairs, required to the buildings in the several Zillahs under the Provincial Judicial authorities.

2d. The Board, I am desired to state, are desirous, in compliance with recent instructions from Government, to ensure, as far as practicable, a timely transmission of all estimates of the description alluded to, and at the same time, it is equally their wish that, these documents be carefully framed, so as to render further reference unnecessary.

3d. With this view, the Military Board would feel obliged by your directing, that as soon as the estimate for the annual repairs required to the whole of the Judicial buildings in each Zillah have been received, that they be immediately forwarded through the prescribed channel, agreeably to the Government notification of the 8th October 1840.

4th. The estimate for special repairs, to be framed according to the above form, and forwarded in the same way.

5th. The particular attention of the authorities should be directed to the form of the estimate, as any document, so framed, will furnish all necessary information, and save much valuable time lost in repeated references, regarding the expenditure of previous years.

6th. The description of each building being carefully entered in the estimate, the expenditure of the three preceding years should be entered in the column for that purpose. But annual and special repairs are to be kept separate, both in estimates and in accounting for the expenditure thereon; but where this is found to be impracticable, the expenditure on account of annual and special repairs having been blended, the amount of such expenditure, should be shewn, by inserting the respective sums in red ink.

7th. The column for remarks should explain the cause of increase or decrease of expenditure on account of each building.

8th. In conclusion I am directed to request the favor of your conveying the wish of the Military Board, that all estimates for annual and special repairs, should reach this office by the 1st January next, and also, that the functionaries forwarding the same, be required to report their opinion of the character and ability of those persons tendering to perform the repairs by contract, Government having repeatedly expressed their desire, that the contract system should be as extensively adopted as practicable.

9th. I am directed to append a Memorandum, shewing the nature of the repairs to be included in the Estimates, for annual and special repairs.

I have &c.

(Signed) N. H. THORNBURY. Captain,
Actg. Secy. Military Board.

Bombay, Military Board Office,
4th October 1841.

MEMORANDUM.

The repairs which should be included in such estimates, being intended only to secure the different premises against the violence of the Monsoon, and to reinstate slight injuries, occasioned by accidents during the year, are as follows :

In the estimate for annual repairs,

1st. Adjustment of tiles.
2d. Ridge and eave repairing, repairs of roof gutters.
3d. Entire or partial renewal of thatch (if necessary).
4th. Ditto, when required, of temporary weather fences.
5th. Renewal or repair of earthen floors.
6th. Repair of plank terraces, and paved floors tarring, or mineral browning of canvas or plank.
7th. Repair of weather frames in many cases need not be annually performed.
8th. Drain and cesspool repairs when necessary.
9th. Repairs of thatch and tatta walls, of fire places, of steps of plaster, of masonry walls, where the same is absolutely necessary.
10th. Repairs to fixtures and fastenings including doors, windows, shelves, pegs &c.
11th. Painting and tiles-turning, if absolutely necessary, to be triennially performed.

In the estimate for special repairs, such extraordinary repairs only as may be required to restore buildings to their former state, and which accident or decay may have rendered necessary. Consequently, new structures of any kind, whether additions and alterations, are to come under the head of new works, the mode of forwarding estimates for which is provided for in paragraphs the 1st and 2d of the notification of the 8th October 1840.

COLLECTORATE. GENERAL DEPARTMENT.

Estimate of the expense of Annual Repairs required to the several Buildings in the ——— Collectorate for the current year, contrasted with former years, with reason for excess and decrease, together with the amount expended during the preceding three years.

Amount expended during the preceding three years.			Average of three years.				Estimate of 1842.		Total.		Estimate of 1841.		Decrease.		Increase.		Remarks.
						TALOOKA.											
1839	40	.. ..				A Dhurmsalla at ———											
1840	30	.. ..	28	5	4	Description, Length—feet—inches. Breadth—feet—inches. Height—feet—inches.											
1841	15	.. ..				Walls of ——— Floor of ——— Roof of ———											
						Teakwood ——— Single tiled.											
						Replacing loose & broken tiles..... at per.											
						White washing.. .. .. at per.											
						Repairs to floor..... ..... at per.											
									36	.. ..	15	.. ..			21	....	This increase is owing to
						Lowest tender received for the execution of the above repairs by contract is from ——— for Rupees ———											
						Time Month											

To THE JUDGES AND SESSION JUDGES.

SIR,

No. 146.

All Bills for Batta to be submitted within six months of the time when the allowance became due.

I am directed by the Judges of the Sudder Dewanee and Sudder Foujdaree Adawlut, to inform you, that the Hon'ble the Governor in Council has been pleased to establish it as a rule, that all Bills for Batta for your establishments, shall be submitted for sanction within six months from the date on which the allowance became due, and to request your observance of the same, in future.

I have &c.

(Signed) G. GRANT,

Register.

Bombay, Sudder Dewanee and Foujdaree Adawlut, 25th Nov. 1841.

To THE ZILLAH JUDGES.

SIR,

No. 147.

The appointment of Moonsiffs, as administrators of intestate property, to be as much as possible, avoided, by the nomination of any other competent person.

It having been brought to the notice of the Court, by the Judicial Commissioner, that a practice prevails in the Zillahs in the Deccan, to appoint under Regulation VIII of 1827, Section IX, the Moonsiffs administrators of intestate property; and the hardship of this, as entailing additional work on these functionaries being obvious, I am desired to direct your attention to the subject, in order to so serious an evil being remedied.

2d. The Judges instruct me to observe that it is not incumbent on the Judge to place intestate property under the management of the Native Judicial functionaries, but he is at liberty to nominate any competent person to be administrator; and a judicious exercise of this authority will, they consider, obviate the evil above alluded to.

I have &c.

(Signed) G. GRANT,

Register.

Bombay, Sudder Dewanee Adawlut, 11th December 1841.

To THE ZILLAH JUDGES.

SIR,

No. 148.

Age of individuals, recommended for the office of Moonsiffs, to be reported.

I am directed by the Judges of the Sudder Dewanee Adawlut, to instruct you, invariably to report the age of individuals, whom you may have occasion to recommend for the office of Moonsiffs, in addition to a statement of their other qualifications for such situations.

You will be pleased to convey these instructions to your Assistant at the detached station of ———.

I have &c.

(Signed) G. GRANT,

Register.

Bombay, Sudder Dewanee Adawlut 31st January 1842.

TO THE JUDGES, COLLECTORS AND MAGISTRATES.

SIR,

No. 149. I am directed by the Judges of the Sudder Dewanee Adawlut, to transmit to you the accompanying copy of a letter from the Officiating Chief Secretary to Government, dated the 4th instant, with its accompaniments, being a letter from the Hon'ble Company's Solicitor, and form of a Writ of Execution drawn up by that Officer, and to instruct you to adhere to the course therein indicated in all cases wherein process may be issued from your Court, for execution within the local limits of the Supreme Court, under Act No. XXIII of 1840.

Forwarding Form of Writ for executing legal process under Act No. XXIII. of 1840, within the local limits of the Supreme Court.

I have &c.
(Signed) G. GRANT,
Register.

Bombay, Sudder Dewanee Adawlut,
21st February 1842.

No. 273 of 1842.

Judicial Department.

TO THE REGISTER OF THE SUDDER DEWANEE ADAWLUT.

SIR,

With reference to your letter dated the 22nd ultimo, No. 101, I am directed by the Honorable the Governor in Council to transmit to you, the annexed copy of a letter dated the 1st instant, from the Honorable Company's Solicitor, together with a form of a Writ for executing, under Act No. XXIII, of 1840, legal process within the local limits of the Supreme Court of Judicature.

I have &c.
(Signed) J. P. WILLOUGHBY,
Officiating Chief Secretary to Government.

Bombay Castle, 4th February 1842.

To,

J. P. WILLOUGHBY Esquire,

Officiating Chief Secretary to Government.

SIR,

In acknowledging the receipt of your letter of the 29th ultimo, I have the honor to enclose a form of a Writ of Execution, drawn up according to what appears to me to be the wishes of the Chief Justice, respecting process intended to be executed within the local limits of the Supreme Court.

The only other kind of process that I can think of, as likely to come before the Court, is either a Summons for witnesses, or a Notice or Proclamation, to neither of which the objections raised by the Chief Justice will apply; and I therefore trust, that, by

due attention to the framing of process according to the enclosed form, all further difficulty may be avoided.

I have &c.
(Signed) E. C. MORGAN,
Hon'ble Company's Solicitor.

Bombay, 1st February 1842.

(True Copy,)
(Signed) J. P. WILLOUGHBY,
Officiating Chief Secretary to Government.

Title of Cause and Seal of the Court.

WHEREAS a decree was passed in this case, by————————————, of the Zillah of————————————under date the————————————, to the effect, that Defendant————————————should pay————————————Rupees which is still due, and whereas the Plaintiff's Vukeel————————————has petitioned the Court to enforce the said decree, with Rupees———————————— making total Rupees————————————,and whereas it appears, that the Defendant————————————is now residing in Bombay, therefore the body of the said Defendant———————————— is hereby directed to be taken in enforcement of the abovementioned decree, and safely kept, so that his body may be before the said Court, within————days from the date hereof, unless the defendant make due satisfaction of this decree to the person directed to execute this Process within the local limits of the Supreme Court of Judicature at Bombay, and which such person is hereby authorized to receive, and upon receipt thereof, to suffer the Defendant to go at large.—Dated at———this———day———one thousand eight hundred and forty-two.

Judge.

(True copies.)
(Signed) G. GRANT,
Register.

TO THE ZILLAH JUDGES AND COLLECTORS.

SIR,

I am instructed by the Judges of the Sudder Adawlut, to transmit for your information and guidance, copy of a letter from the Civil Auditor, under date 19th ultimo, No. 1019, pointing out the mode in which, under the orders of Government, Section Writers, when employed in Government Offices, should be classed and paid.

No. 150.

Forwarding a letter from the Civil Auditor, in reference to the mode of classing, and rate of paying Section Writers.

I have &c.
(Signed) G. GRANT.
Register.

Bombay, Sudder Adawlut, 3d March 1842.

No. 1019 of 1842.
General Department.

To,

G. GRANT Esq.
Register to the Sudder Adawlut.

I have the honor to inform you, that, under the orders of Government of the 15th instant, Section Writers, when employed in Government offices, under the sanction of the Honorable Board, should be divided into three classes, according to their merits, and be paid at the following rates.

1st. Class, one anna for each hundred words.
2d. Ditto ¾ of an anna for.. ..Ditto.
3d. Ditto ½ an anna for.. ..Ditto.

and to request, that when such writers are employed in the Sudder Adawlut, as well as by any of the Judges of the Zillah Courts under its control, they should be paid according to these rates.

I have &c.
(Signed) E. E. ELLIOT.
Civil Auditor.

Bombay Castle, Civil Auditor's Office,
19th February 1842.

(True Copy.)
(Signed) G. GRANT
Register.

To the ZILLAH JUDGES and COLLECTORS.

Sir,

No. 151.

Charge for executing process under Act No. XXIII of 1840. within the local limits of the Supreme Court, to be defrayed by the parties.

In order to the due recovery of charges incurred in the execution of process within the local limits of the Supreme Court, under Act No. XXIII of 1840, I am directed by the Judges of the Sudder Dewanee Adawlut to instruct you, that these expenses are to be defrayed by the parties, as any other costs for which they are legally liable; and you will be pleased to cause the sum of Rupees Fifteen, the average cost of execution of such process, to be recovered in each case from the party applying, before the issue of the same, which sum is to be carried to the credit of Government and eventually paid by the party who is burdened with the costs of suit.

2d. With respect to those cases in which process has already been executed, I am desired to inform you, that the Hon'ble Company's Solicitor has been instructed to place himself in communication with you, for the purpose of receiving the same on the above principle.

3d. With respect to those cases pending at present, in which it has been necessary to issue process under Act XXIII. of 1840, I am directed to instruct you, that execution should be suspended until payment has been made, in order to obviate any difficulty as to the recovery of the fees connected therewith.

I have &c.
(Signed) G. GRANT,
Register.

Bombay, Sudder Dewanee Adawlut,
19th March 1842.

To THE ZILLAH JUDGES.

SIR,

No. 152.

Circular Orders, issued by Zillah Judges on points of law and procedure, to be suppressed.

In transmitting for your information the accompanying Extract, para. 39, of a Report from the Judicial Commissioner for the Konkun and Goozerat, on the conclusion of his late circuit, on the subject of the Zillah Judges issuing Circular Orders to their subordinate Native Judicial Functionaries on points of law and procedure, I am directed by the Judges of the Sudder Dewanee Adawlut to request, that you will suppress all such Circular Orders as are at present in existence; and that in each special case which may hereafter arise, you will adopt the course suggested by the Judicial Commissioner.

I have &c.

(Signed) G. GRANT.

Register.

Bombay, Sudder Dewanee Adawlut, 4th April 1842.

Extract, para. 39 *of a Report from the Judicial Commissioner for the Konkun and Goozerat, on the conclusion of his late circuit, dated* 19*th February* 1842.

All the records of the civil functionaries, which I inspected, were carefully and neatly kept. From time to time, I have pointed out such omissions as came to my notice, and have suggested improvements for their simplification, combined with a due regard for their object, rejecting unnecessary details and repetitions, and preserving the essential information for reference, supervision, and control; the particulars, I conceive, unnecessary to be detailed in this Report, since they can always be referred to by the Judges in my records as Judicial Commissioner. There is a subject in this branch of the Judicial department of some consequence, and which I think requires the consideration of the Judges. I allude to the practice of Zillah Judges issuing Circular Orders or Rules to their suborbordinate Native Judges on points of law and procedure. I have brought on a former occasion, to the notice of the Judges, one erroneous Circular Order issued by the late Judge of Ahmedabad, which, on that representation, was annulled; I have noticed others in this report at Tannah and Ahmedabad. By these Circulars, the Zillah Judges, in fact, interpret, or rather I should say, often misinterpret the law, although I am aware that they issue them with the best intention. The Native Officers look upon these Circular Rules as more binding than the Regulations; the people regard them as the law, and thus new laws are made and set aside according to the pleasure of Zillah Judges. This practice, should, I think, be put a stop to at once. I cannot say how far it prevails in the Southern Zillahs; but I have shewn how it prevails within those comprised in my circuit, and I have no doubt but that it is in force elsewhere, as the Judges who issued the greater number came from the Deccan! A prohibition of this practice altogether would be better than to allow it to exist, as at present,; leaving the Native Judges to decide on each point, according to the printed laws, to the best of their judgment and discretion, and this would be the proper method, could we ensure an appeal from all persons injured by an erroneous application of the law; but it has been proved,

that we cannot, for though many of the inhabitants are tolerably conversant in the broad meaning of the law, they are generally ignorant of its nicer points and distinctions, and hence illegal procedure might be continued in practice, in some Courts, for a length of time. I should therefore propose, that a Circular be issued to all Judges, instructing them, in the event of their finding it necessary to issue any Circular Orders or Rules to their Native Judges, on points of law or procedure, to correct any illegal practice, that such Circular be first submitted for the sanction of the Sudder Dewanee Adawlut, where it may be either rejected, modified, or approved, and if the latter, be made applicable to all other Zillahs, which will ensure an uniform application of the law.

(True extract)
(Signed) G. GRANT,
Register.

To THE JUDGES AND COLLECTORS.

SIR,

No. 153.

Care enjoined in receiving and filing stamp paper, with a view to prevent stamp forgeries.

Several instances having lately occurred of papers bearing forged Stamps having been received and recorded in cases, I am directed by the Judges of the Sudder Adawlut to call your attention to the necessity of the greatest vigilance on the part of all Officers whose duty it may be to receive and file Stamp Papers.

The Court, I am instructed to add, will be happy to be favored with any suggestions you may have to offer, with a view to counteracting the facility with which these frauds appear to be committed at present.

I have &c.
(Signed) G. GRANT,
Register.

Bombay, Sudder Adawlut, 6th April 1842.

To THE ZILLAH JUDGES.

SIR,

No. 154.

A defalcation in the Treasury of the Dharwar Talooka, brought to the notice of Native Judicial Functionaries, who are required to ascertain the correctness of every cash Balance which they verify by their signatures.

I am directed by the Judges of the Sudder Dewanee Adawlut, with reference to their Circular dated the 27th December 1834, to transmit for your own information and that of the Native Judicial Functionaries, subordinate to you, the accompanying copy of a Letter from the Chief Secretary to Government, dated 21st ultimo, No. 208 in the Revenue Department, to the address of the Judge of Dharwar, and its accompaniment, on the subject of a defalcation in the Treasury of the Dharwar Talooka, which had been examined by the Principal Sudder Ameen of that zillah.

2d. You will be pleased to convey these instructions to your Assistant at the detached station of———.

I have &c.
(Signed) W. H. HARRISON,
Register.

Bombay, Sudder Dewanee Adawlut,
19th April 1842.

No. 208 of 1842.

Territorial Department, Finance.

To,

J. W. MUSPRATT Esqr.

Judge of Dharwar.

SIR,

With reference to the letter to your address from the Principal Sudder Ameen of Dharwar, dated the 26th ultimo, regarding the defalcation in the Dharwar Talooka Treasury, which had been examined by that Officer, I am directed by the Honorable the Governor in Council to transmit to you, for the Principal Sudder Ameen's information, the accompanying copy of my letter of this day's date, No. 206, to the Collector of Dharwar on the subject.

I have &c.

(Signed) L. R. REID,

Bombay Castle, 21st March 1842. *Chief Secy. to Govt.*

No. 206 of 1842.

Territorial Department, Finance.

To,

A. N. SHAW Esqr.

Collector of Dharwar.

SIR,

In acknowledging the receipt of your letter dated the 3rd instant, No. 44, with enclosure, submitting further information connected with the embezzlement by Rungapa Shroff, of public money to the amount of Rs. (1,177-15-0) One thousand One hundred and Seventy-seven and Fifteen Annas, I am directed by the Hon'ble the Governor in Council to acquaint you, that the Mamlutdar must be held liable for the deficiency, and that it must be recovered from him and his securities.

2nd. How far the Native Judge is blamable as regards the Silver deficiency, His Honor in Council conceives, it is impossible to say, because he may fairly urge, that the money was abstracted subsequently to his counting the Treasury. But he admits that he did not count the copper money, and, therefore, unless it be decided, that the counting of the Treasuries by Judicial Officers is to be an unmeaning form, he becomes highly censurable for any remissness in conducting this important duty. It is not sufficient to urge former practice or the example of his superiors to justify an irregularity. Every Judicial Officer should ascertain, to the utmost extent in his power, the correctness of every cash balance which he verifies by his signature.

3rd. The orders of Government on the subject of your 3rd para. will be hereafter communicated to you.

I have &c.

(Signed) L. R. REID,

Bombay Castle, 21st March 1842. *Chief Secy. to Govt.*

(True copies.)

(Signed) W. H. HARRISON,

Register.

To THE ZILLAH JUDGES.

SIR,

No. 155.

Rules for levying Batta for serving Process of the Civil Courts.

The Judges of the Sudder Dewanee Adawlut having had under their consideration, that the system regarding Batta to Peons serving Process of the Civil Courts, varies considerably in the different Zillahs under this Presidency, I am directed to call your attention to the following rules of practice, which are to be followed in all cases, except where any special cause may render a deviation necessary, in order to the adoption of an uniform procedure throughout.

2d. The rate of Batta to a Peon serving Process is to be fixed at ½ an anna per coss, or one anna per coss outward and inward, the coss being reckoned at two miles, and the distance calculated from the Court whence the Process is issued. The Batta for the ordinary day's journey, therefore, as indicated in Clause 3d of Section XXXII of Regulation IV of 1827 will amount at the above rate to 2½ annas per diem; but Batta at the above rate may be drawn proportionally for any distance above or short of an ordinary day's journey, if in the former case the activity of the Peon should enable him to accomplish a greater distance than that of an ordinary day's journey of ten miles.

3d. Single Batta only is to be drawn when the same Peon serves any number of Summonses or other Process issued in the same case, and at the same time and place; otherwise, separate Batta may be allowed.

4th. The Native Judicial authorities are permitted to appropriate the proceeds on account of Batta in any way they consider most advantageous to the support of their establishments, either by allowing each Peon to receive the Batta due for his own service, or by distributing the same in lieu of salary. If the former system be adopted, the Peons should receive some salary, however small, in order that they may be considered regular stipendiary servants on the establishment, and thereby be subject to the penalties prescribed in the Regulations for misbehaviour.

5th. A regular account book is to be kept, shewing the receipts on account of Batta.

6th. An alphabetical list of the villages subject to each Court, shewing their distances from it, is to be carefully prepared, and a copy kept always suspended in the Court House, as a check on undue charges.

7th. You will be pleased to convey these instructions to your Assistant at the detached station of ———.

I have &c.

(Signed) W. H. HARRISON,

Register.

Bombay, Sudder Dewanee Adawlut,
1st June 1842.

To THE JUDGES, SESSION JUDGES, AND MAGISTRATES.

SIR,

No. 156.

Economy enjoined throughout the several branches of the Public Service.

The Government of India having recently enjoined upon the Government of this presidency the necessity of exercising the most rigid economy throughout the several branches of the Public Service, I am directed by the Judges of the Sudder Dewanee and Sudder Foujdaree Adawlut, under instructions from the Honorable the Governor in Council, to request, that you will refrain from submitting for sanction, any application for expenditure, however trifling the sum required may appear, unless there exists an imperative necessity for it, such as will not admit of even the postponement of the Work for a time.

2d. You will be pleased to convey these instructions to your Assistant at the detached station of ———.

I have &c.

(Signed) W. H. HARRISON,

Register.

Bombay, Sudder Dewanee and Sudder Foujdaree Adawlut, 11th June 1842.

To THE JUDGES, SESSION JUDGES AND MAGISTRATES.

SIR,

No. 157.

Annual charge for Tiles and Turners not allowed.

I am directed by the Judges of the Sudder Adawlut, to state for your information and future guidance, that an annual charge for Tiles and Tile Turners in estimates for annual repairs of the Public Buildings, will not be sanctioned by Government, it not being considered necessary to turn tiles every year. All that is requisite is, to replace broken tiles, and tiles displaced, and it is only occasionally a complete turning of tiled roofs can be necessary.

2d. You will be pleased to convey these instructions to your Assistant at the detached station of ———.

I have &c.

(Signed) W. H. HARRISON,

Register.

Bombay, Sudder Adawlut, 13th Augt. 1842.

To THE ZILLAH JUDGES.

SIR,

No. 158.

Persons appearing as candidates for the situations of pleaders, to produce certificates of respectability from the zillah judge, or his assistants.

It having come to the notice of the Judges of the Sudder Dewanee Adawlut, that individuals of improper character have obtained Sunnuds to practice as Vukeels in the Zillahs under this Presidency, I am directed to intimate to you, that the Court have resolved strictly to adhere, in future, to the provisions of the Circular Order of the Sudder Dewanee Adawlut, dated 13th November 1832, and to admit no person as a candidate

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for the situation of pleader, who does not produce a certificate of respectability from the Judge, or in his absence, the Assistant Judge of the Adawlut of the Zillah in which he resides or wishes to practise.

2d. You will therefore be pleased to give publicity to this Resolution, and I am also desired to request, you will comply with the instructions contained in the concluding para. of the Court's circular above quoted.

3d. You will be pleased to convey these instructions to your Assistant at the detached station of ———— .

I have &c.
(Signed) W. H. HARRISON,
Register.

Bombay, Sudder Dewanee Adawlut,
23d August 1842.

To THE JUDGES AND MAGISTRATES.

SIR,

No. 159.

Sanction of the Sudder Adawlut to be obtained, before calling for any Plans or Estimates from the Engineer Department.

The Judges of the Sudder Dewanee and Sudder Foujdaree Adawlut having observed frequent instances of very unnecessary trouble being entailed by the preparation of Plans and Estimates for buildings, which it has not been considered necessary by the Court to submit for the sanction of Government, on the same being presented for consideration, I am directed to instruct you, with reference to the Government notifications of the 8th October 1840, and 9th April 1842, that the necessity of every new work proposed, should be reported to the Court, and their sanction obtained, before estimates for the same are called for from the Engineer Department.

I have &c.
(Signed) W. H. HARRISON,
Register.

Bombay, Sudder Dewanee and Sudder Foujdaree Adawlut, 20th Oct. 1842.

To THE JUDGES AND COLLECTORS.

SIR,

No. 160.

Proclamations in the Government Gazette in regard to the property of persons dying without known heirs, subject to be charged for at the rate of private advertisements.

I am directed by the Judges of the Sudder Dewanee Adawlut to inform you, that it has been resolved by the Honorable the Governor in Council, that all proclamations published in the Government Gazette under the provisions of Clause 1st, Section X, Regulation VIII of 1827, in regard to the property of persons dying intestate and without known heirs, shall be charged for at the rate of private advertisements.

2d. I am therefore further directed to request, that you will recover from the parties interested, and pay into the public Treasury, the expense of such advertisements,

crediting the proceeds to the Government Printing Establishment at Bombay.

3d. You will be pleased to convey these instructions to your Assistant at the detached station of ———.

I have &c.

(Signed) W. H. HARRISON,

Register

Bombay, Sudder Dewanee Adawlut,
23d November 1842.

TO THE JUDGES, SESSION JUDGES, COLLECTOR'S & MAGISTRATES.

SIR,

No. 161.

Impressions of Official Seals on Writs, Warrants, &c. issued under Act No. XXIII. of 1840, to be distinct.

Instances having occurred, in which the impressions of the Seals of the Zillah Courts, attached to Writs, Warrants &c. issued under the provisions of Act XXIII of 1840, have been so indistinct, as to induce the Honorable the Judges of the Supreme Court to require further proof of the authenticity of the Seal, prior to directing execution of the Process, I have the honor, by direction of the Judges of the Sudder Dewanee and Sudder Foujdaree Adawlut to request, that in future, great care may be taken to render the impressions of your Official Seals as perfect as possible.

2d. Any cases in which a deviation from these instructions is observable, will, I am instructed to add, be reported to Government.

3d. You will be pleased to convey these instructions to your Assistant at the detached station of ———.

I have &c.

(Signed) W. H. HARRISON,

Register.

Bombay, Sudder Dewanee and Sudder Foujdaree Adawlut, 15th Dec. 1842.

CIRCULAR ORDERS

PASSED BY

The Sudder Dewanee Adawlut,

VOL. I.

Part II.

CONTAINING THE CIRCULAR ORDERS FOR THE YEARS 1843 & 1844.

BOMBAY,

PRINTED AT THE GOVERNMENT PRESS.

D. Nicker—Printer.

1845.

CIRCULAR ORDERS,

PASSED BY

THE SUDDER DEWANEE ADAWLUT,

AND COMMUNICATED TO THE

Zillah Judges and Collectors,

BY THE

REGISTER OF THAT COURT.

TO THE JUDGES.

SIR,

No. 135. A

Explaining the intention of the Circular Order No. 63, in Part I of this Vol.

In reference to the Court's Circular of the 27th December 1834, directing the Moonsiffs to examine the district Treasuries, I am desired by the Judges of the Sudder Dewanee Adawlut to explain that these Functionaries are only required to examine such district Treasuries as are at the same stations as their own Courts.*

* This Circular having been omitted in its proper place in Part I. is entered in this collection.

Bombay, Sudder Dewanee Adawlut,
18th January 1841.

TO THE JUDGES AND SESSION JUDGES.

SIR,

No. 162.

Leave of absence, application for,—to be submitted through the Sudder Adawlut.

I am directed by the Judges of the Sudder Adawlut, to inform you, that it has been resolved by the Hon'ble the Governor in Council that henceforth all applications from yourselves and your Assistants for leave of absence under the Absentee Regulation, Section XI. shall be submitted through this Court; and to request that you will in future conform to this rule whenever you may have occasion to make such application.

Bombay, Sudder Adawlut,
7th January 1843.

TO THE JUDGES.

No. 163.

SIR,

Administrator or other representative of parties deceased to be entered by name as Defendant in suits involving claims against the estates of the deceased.

It having come to the notice of the Judges of the Sudder Dewanee Adawlut, that a practice not unfrequently prevails of entering suits involving claims against the estates of parties deceased as brought against such estates, I am directed to acquaint you that this procedure is irregular and that the administrator, or other representative of the deceased, should always be entered by name as the defendant in these cases; to the observance of which rule in future, the Court desire me to request that you will direct your particular attention, and bring the same specially to the notice of the Native Judicial Functionaries in your Zillah.

Bombay, Sudder Dewanee Adawlut,
4th February 1843,

TO THE JUDGES AND SESSION JUDGES.

No. 164.

SIR,

Public Records, rules for the preservation of, should be observed as far as means at disposal will admit. *No. 79 of Part I. of this Vol.

With reference to the Circular letter of the Court No. 569 * of the 11th May 1837, transmitting for your opinion and report certain Rules framed by Government for the preservation of the Revenue Records, I have now the honor, by direction of the Judges of the Sudder Dewanee and Sudder Foujdaree Adawlut, to request that you will conform to the same as far as the means at present at your disposal will admit.

I am directed to add, that Government do not consider it expedient that Rule 6 requiring all Records to be kept in Teakwood Presses should be enforced, but that in offices where such Presses have already been supplied, no change need at present be introduced.

Bombay, Sudder Dewanee and Sudder Foujdaree Adawlut, 11th March 1843.

TO THE ZILLAH JUDGES.

No. 165.

SIR,

Petitions for special appeal to the Sudder Adawlut under Act III. of 1843, pointing out the procedure to be followed in receiving.

The Judges having had under consideration the procedure to be followed in the reception of Petitions to appeal specially to the Sudder Dewanee Adawlut under Clause IV. Act III. of 1843, I am directed to instruct you to receive such Petitions as you have heretofore done under the Provisions of Sec. V. Reg. VII. of 1831, for transmission to this Court, giving due notice to the Petitioner, at the time of receiving his Petition, that he must appear personally, or by Wukeel, at the hearing of the same, for which purpose one month will be allowed from the date of presentation in the Zillah Court, and that on failure of such appearance the Petition with be stuck off unheard. *

* The provisions of this Circular are extended to Collectors by Circular, dated 29th June 1844, No. 187, of this Collection.

Bombay, Sudder Dewanee Adawlut,
29th April 1843.

TO THE ZILLAH JUDGES.

SIR,

No. 166.

Suits struck off the file under Cl. 1st Section XXI. of Reg. IV. of 1827, should be properly looked into.

The number of suits disposed of, by being struck off in default, under Reg. IV. of 1827 Sec. XXI. Cl. 1st, having attracted the notice of the Judges of the Sudder Dewanee Adawlut, I am directed to convey to you their desire to be assured that all Zillah Judges, by particular observation and control, satisfy themselves, periodically, that no abuse of the above quoted Regulation such as can be guarded against, exists among the Native Judicial Functionaries subject to their control, and with this view to instruct you to insert at the foot of every monthly Civil Return, a report in regard to the suits struck off in default, certifying that they have been in this manner properly disposed of.

Bombay, Sudder Dewanee Adawlut,
31*st May* 1843.

TO THE JUDGES AND SESSION JUDGES.

SIR,

No. 167.

Public Servants Subordinate to the Departments of Judges and Session Judges declared liable to a forfeiture of pay for idleness and inattention.

The disadvantage under which Judges and Session Judges labour, in consequence of not being vested with the authority allowed to Collectors by Sec. IX. of Reg. XVI. of 1827, having been represented to the Hon'ble the Governor in Council, I am directed by the Judges of the Sudder Dewanee and Sudder Foujdaree Adawlut, under instructions from Government, to authorize you to withhold a portion of the pay of the Servants Subordinate to your departments who may be guilty of idleness and inattention in the performance of their duties.

Bombay, Sudder Dewanee and Sudder
Foujdaree Adawlut, 7th July 1843.

TO THE JUDGES.

SIR,

No. 168.

Stamp Venders' books and balance to be monthly examined by Native Judicial Functionaries.

With a view of preventing fraud in the sale of stamped paper, I am directed by the Judges of the Sudder Dewanee Adawlut to request that you will issue instructions to the several Native Judicial Functionaries subject to your control, to examine and report on the Books and balance, at the close of each month, in the hands of the Stamp Venders residing within their respective Jurisdictions, as they at present do in conformity with the Circular Order of the Court No. 186* of 7th March 1831, on the balance of cash in charge of the Mamlutdars.

* No. 41 in Part I. of this Vol.

Bombay, Sudder Dewanee Adawlut,
3*rd August* 1843.

TO THE JUDGES AND COLLECTORS.

No. 169.

Returns of Civil business allowed to be furnished annually instead of half yearly.

SIR,

The Hon'ble the Governor in Council having authorized the transmission annually by the Court, of the Returns of original Suits, Appeals, &c. now forwarded by you every six months under the Court's Circular of the 31st July 1838, No. 1147,* I am directed by the Judges of the Sudder Dewanee Adawlut to request that you will suspend the preparation of those Statements until you receive specific instructions as to the mode in which they are in future to be framed.

* *No. 94 in Part I. of this Vol.*

Bombay, Sudder Dewanee Adawlut,
23rd August 1843.

TO THE JUDGES AND SESSION JUDGES, MAGISTRATES AND JOINT MAGISTRATES.

No. 170.

Forms of survey Report and Estimate for Annual and special repairs forwarded for guidance.

SIR,

In forwarding the accompanying Forms of Survey Report and Estimate for Annual and Special Repairs prepared by the Military Board, I am directed by the Judges of the Sudder Dewanee and Foujdaree Adawlut to request that they may be substituted for those now in use, the framing of which imposes much additional office labor.

Bombay, Sudder Dewanee and Sudder Foujdaree Adawlut, 5th September 1843.

CIVIL DEPARTMENT.

Survey Report of Annual and Special Repairs recommended to the Buildings occupied by the Judicial Department at Poona, for the year

Poona, 184 .

DESCRIPTION OF BUILDINGS	Square feet, Tiles adjusting.	Ditto, Tiles turning single.	Feet in length, Eaves repairing.	Square feet, New layer of Thatch.	Ditto, Bamboo, netting to ditto.	Feet in length, Matting to ridge.	Square feet, Grass screen.	Do. Ceiling cloth tightening & white washing.	Ditto, Dammering.	Ditto, Walls white washing.	Ditto, Yellow ditto.	Ditto, New painting	Ditto, New Chunnam plastering.	Ditto, Masonry.	Ditto, Mud plastering with Chunnam coating.	Do. New matframe.	Do. Mat frame repairing and fresh matting.	Ditto, Mineral Browning.	Ditto, Chunnam floor repairing.	Ditto, Mud floor remaking.	Remarks by the Superintending Engineer. The special repairs being those in *Italic.*
JUDICIAL BRANCH.																					
1 Adawlut	..	..	..	..	..	..	..	..	68	..	..	..	..	..	..	..	..	1504	..	..	A few displaced Tiles to be rectified.
1 Dwarf wall, Gate & railing	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	196	..	..	
6 Enclosure Gates	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	227	..	..	
1 Witness Room with	..	..	..	..	..	..	..	571	..	837	436	..	..	..	..	..	..	..	..	..	
Verandah in front	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	846	
1 Nazir's Cutcherry	..	..	..	1656	1656	120	..	900	..	1375	..	..	..	..	..	109	152	..	..	..	
1 Book binder's Room	..	..	..	..	..	..	171	..	..	..		..	..	..	..	..	17	..	..	..	
1 Guard room	..	450	..	..	..	..	..	..	..	368	..	..	..	3	..	..	..	..	..	212	The Ceiling cloth to be removed.
1 Privy	..	..	..	..	..	..	..	..	..	..	..	20	..	..	..	..	..	..	..	..	
1 Water room &c	..	..	..	..	..	..	..	..	..	..	..	227	..	..	..	..	..	..	..	..	
1 Agents Cutcherry, with	..	..	..	..	..	..	..	480	..	4832	..	..	..	..	..	..	78	..	..	1875	Tiles to be rectified, *rear Verandah to be pulled down and re-roofed, renewing the decayed Posts and Post plates, and Plinth to be rebuilt.*
Verandah in front and rear	..	..	..	..	..	..	..	..	..	..	..	..	..	..	50	..	..	..	..	..	
1 Privy to ditto	..	..	..	..	..	..	..	..	..	..	..	25	..	..	..	..	..	..	..	..	Three rafters to one of the vallies to be removed and Tiles to be rectified where required.
1 Nanna Fudnuss Palace	3390	4131	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
TOTAL	3390	4581	..	1656	1656	120	171	1951	68	7412	436	272	..	3	50	109	247	1927	..	2933	

The remaking of an Earthen floor consists in picking up the old floor to a depth of 6 inches, and supplying 3 inches of fresh moorum and treading the whole well.

The repairing the same as the remaking, excepting that fresh moorum is to be supplied to fill in the hollows, only the picking to be 3 inches instead of 6.

"Dammering" means that a fresh coat of Dammer is to be supplied.

"Fresh Dammering" means that all former Dammer and Cloth are to be removed, the planking repaired and covered with fresh cloth and Dammer.

JUDICIAL DEPARTMENT.

Detailed Estimate of the expence of the Annual repairs to the buildings occupied by the Judicial Department at Poona, amounting to Rupees.

Number.	Names of the Items.	Rate.			Per	Amount.			Total.		
5150	Square feet of Tiles adjusted.	..	3	3	100 square feet.	10	7	4			
240	Feet in length, eaves repaired.	..	2	5	100 feet.	..	8	2			
	Total Rupees.....	....	..	..	.....	....	..	..	10	15	6
	Add Contingencies @ 5 per cent....	....	..	..	.....	....	..	..			
	Extra Establishment.										
	Total Rupees										

Names of Contractors.	Amount of Tenders.	Time required to complete the work.

Total Expenditure in
1840—~~Rs~~
1841—~~Rs~~
1842—~~Rs~~
} ~~Rs~~ Average.

(Signed) A. B.

TO THE JUDGES.

No. 171.

Native Judicial Functionaries appointments of, should be open to respectable Native gentry.

SIR,

I am directed by the Judges of the Sudder Dewanee Adawlut, to forward for your information and guidance the accompanying copy of a letter from the Secretary to Government in the Judicial Department, No. 2193 of the 23rd instant.

Bombay, Sudder Dewanee Adawlut,
30th September 1843.

No. 2193 of 1843.

JUDICIAL DEPARTMENT.

BOMBAY CASTLE, 23RD SEPTEMBER 1843.

SIR,

I am directed to acknowledge the receipt of your letter dated the 12th ultimo, No. 1572, forwarding a return of the different appointments made during the last five years of Native Judicial Functionaries in the Northern Division of the Conkan Zillah.

2nd. In reply, I am instructed to inform you, that the Hon'ble the Governor in Council disapproves of the practice which seems almost invariably to have been observed in this Zillah, of appointing Adawlut servants to the office of Moonsiff.—Out of six officers who have been appointed Moonsiffs, five it appears from the return, had previously held office in the Adawlut, and four were Sheristedars at the time of their appointment.

3rd. The Governor in Council is not aware what may be the practice in the other Zillahs under this Presidency, but it certainly appears to Government to be highly objectionable that men employed in the Adawlut should have almost a monopoly of promotion to the Judicial Office.

4th. The Judicial appointments of Moonsiff, and Sūdder Ameen, are highly respectable, and it should therefore be an object to select for them the respectable Native gentry of the country, when found duly qualified, and when desirous of accepting office.—By this means a valuable part of that which the Government has to bestow, will not be exclusively confined to government servants, but will be indiscriminately open to all persons who, by intelligence, good conduct, and faithfulness towards government, may prove themselves worthy to hold office.

5th. In communicating to you these views, I am desired to request, that in future the nomination to the appointments in question, may be regulated by the principle above laid down.

I have the honor to be, &c.

(Signed) W. ESCOMBE,
Secretary to Government.

TO THE JUDGES.

SIR,

No. 172.

I am directed by the Judges of the Sudder Dewanee Adawlut to inform you, that they are of opinion the provisions of Act XII. of 1843, require that separate books be kept in each Court in which the grounds of every Judgment may be entered in the Vernacular language of the presiding authority, and there signed at the time of trial, the translation of the same, into the language of record of the Court, being duly embodied in the ordinary proceedings.

Under Act XII. of 1843, separate books are required to be kept for entering the grounds of judgment in the Vernacular language of the presiding authority.

Bombay, Sudder Dewanee Adawlut,
3rd October 1843.

TO THE JUDGES AND SESSION JUDGES.

SIR,

No. 173.

Subordinate Judicial servants prohibited from leaving their stations to appear before the Sudder Adawlut to defend themselves.

Instances having occurred of persons holding subordinate Judicial situations, against whom complaints have been made in their official capacity, having left their stations, and proceeded to Bombay for the purpose of personally defending themselves before this Court, whereby much inconvenience to the public service in general, as well as hindrance to such investigation as may be needful in each case, results, I am directed to acquaint you that the Judges will not countenance this practice.—Whatever reply or defence a party holding official employment, and whose conduct has been called in question, whether suspended, or not, pending the Court's order, may have to make, will be called for, and must be made, through his immediate superior in office.

2nd. You will be pleased to make these instructions known to all your subordinates.

Bombay, Sudder Dewanee and Sudder Foujdaree Adawlut, 17th October 1843.

TO THE JUDGES.

SIR,

No. 174.

Leave of absence for 10 days can be granted by the Zillah Judges to the Native Judicial Functionaries on emergent occasions.

With reference to Para. 2nd of the Rules for regulating leave of absence to Native Judicial Functionaries, published by order of the Hon'ble the Governor in Council under date the 11th September 1843, I am directed by the Judges to inform you, that in cases of emergency, such as the death of relatives, urgent sickness, or the necessity of visiting the Sudder Station, for the purpose of obtaining a certificate from the Civil Surgeon, when the object of an application for leave of absence would be wholly, or partially, defeated by the delay necessarily attending a reference to this Court, you are authorized to grant leave for ten days to the officers referred to in the above quoted Para, in anticipation of the sanction of the Court, to whom the occasion is to be reported without delay.

Bombay, Sudder Adawlut, 20th October 1843.

TO THE JUDGES.

SIR,

No. 175.

Quazees required to keep the record of marriages and divorces as directed by Law.

It having been brought to the notice of the Court that all Quazees do not keep the record of Marriages, and Divorces, required in Section VIII. Regulation XXVI of 1827, I have the honor, by direction of the Judges, under instructions from Government, to request that you will adopt such measures as you may deem necessary to ensure a due attention to the provisions of the Law above quoted.

Bombay, Sudder Dewanee Adawlut, 17th November 1843.

TO THE JUDGES.

SIR,

No. 176.

Applications to the Zillah Judges for the enforcement of decrees passed in the district Courts, allowed to be presented to the Native Judicial Functionaries in the districts.

It having been brought to the notice of the Court that the practice of allowing applications in the Judge's name for the enforcement of Decrees passed in the district Courts, to be presented to the Native Judicial Functionaries for transmission with the decree, for the eventual orders of the Judge, does not now universally obtain, I have the honor, by direction of the Judges to request, in the event of the procedure not being in force in your Zillah, that you will issue orders for bringing it into operation.

Bombay, Sudder Dewanee Adawlut,
17th November 1843.

TO THE JUDGES.

SIR,

No. 177.

Out-casts appearing as parties to, or witnesses in a suit, should be allowed access to the interior of the Court.

It having been brought to the notice of the Sudder Dewanee Adawlut that a practice very generally prevails of excluding from the Court-room all those classes of the community who come under the denomination of out-casts, whether appearing as parties to, or witnesses in, a suit under trial; I have the honor, by direction of the Judges, with the concurrence of Government, to remark, that they much disapprove of the course, as one at variance with every principle of Justice, and in no way necessary to preserve the Brahmins and other high caste men, from defilement.

I am therefore further instructed, to request that you will issue orders to all the Judicial Functionaries under your control, directing them to allow the above classes access to the interior of their Courts, and at the same time to be careful that such arrangements are made as will avoid the possibility of their being brought in any sort of contact with the rest of the community.

Bombay, Sudder Dewanee Adawlut,
17th November 1843.

TO THE JUDGES.

SIR,

No. 178.

Zillah Judges and their Assistants should visit the Courts of Native Judicial Functionaries under their control when convenient and necessary.

I am directed by the Judges of the Sudder Dewanee Adawlut to call your particular attention to the accompanying extract, being part of para 19 of a Resolution recorded by Government under date the 21st August last, on a consideration of the last report of the Judicial Commissioner for the Konkun and Guzerat, and to request that in reporting your departure from the Sudder Station, you will intimate to the Sudder Dewanee Adawlut, the Courts you propose to include in your tour.

Extract, being part of para 19 *of a Resolution recorded by Government under date the* 21*st August* 1843.

Resolved that the Court be informed, that Government agree in opinion with Mr. Hutt, that the Zillah Judges and their Assistants should pay occasional visits to the

Courts of the Native Judicial Officers under their control, whenever the state of business in the Zillah Court may admit of their doing so, or the Zillah Judges may consider that any particular cause renders such a measure expedient.—But on all such occasions the Zillah Judge should submit to the Sudder Dewanee Adawlut, a report stating the dates of departure from, or return to, the Sudder Station, with the result of such visit to the subordinate Courts.

Bombay, Sudder Dewanee Adawlut,
17th November 1843.

TO THE JUDGES, COLLECTORS, AND SUB-COLLECTORS.

No. 179.

SIR,

Returns annual of Civil business how to be prepared and when furnished to the Sudder Dewanee Adawlut
* No. 169 of this Collection.
† Nos. 2 and 3 in the list sent to Collectors.

With reference to the Court's Circular dated the 23rd August last No. * 1624 of 1843, I am directed by the Judges of the Sudder Dewanee Adawlut, to forward the accompanying Forms (Nos. 1 and 2.) of Annual Returns of original suits and appeals, sanctioned by Government, and to request that you will substitute them for those hitherto in use Nos. † 3. and 4 of the list accompanying the Courts Circular of the 31st July 1838 No. 1147.

2nd. You will also be pleased to frame and submit to the Court the returns for the past year according to these forms as early as possible, and to consider them due annually on the 10th February in each year.

* Not printed, but requiring explanations of the cause of increase of arrears.

3rd. I am directed on this occasion to call your attention to the Court's Circular* of the 13th January 1831, and in doing so, to request that you will be particularly careful to accompany the returns of original suits and appeals with explanations on the following points.

First.—As to the cause of the increase of arrears on the files of original suits, and appeals, as compared with the previous year.

Second.—As to the decrease in the number of decisions of original suits, and appeals, as compared with ditto ditto.

Third.—Why original suits or appeals, pending for a period beyond one year, have been so postponed.

Fourth.—As to any great disproportion between the number of original suits decided on their merits, and those struck off, dismissed on default, &c.

4th. You will continue to forward along with the above, the other Civil Returns according to the forms at present in use.

Bombay, Sudder Dewanee Adawlut,
26th January 1844.

No. 1.

A Statement of original Suits on the File on the 1*st January* 1843, *the number instituted and disposed of in the* 12 *following months, with the arrears on the* 1*st January* 1844.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Authories deciding.	On the file on the 1st January 184 .	Instituted in the 12 following Months.	Total.	Disposed of					By European Agents.			By Native Agents.				Total No. disposed of.	In arrears on the 1st January 184 .	Aggregate value of the suits decided under column 17.	No. of cases on the file for one year and under.	From one to two years.	For any period beyond two years.	Notes of Fines levied.
				On Trial.		Dismissed in default.	Adjusted.	Transferred from one file to another.	By the Judge.	By the Agent and Assistant.	By Assistant Judge.	By Principal Sudder Ameen.	By Sudder Ameens.	By Moonsiffs.	By Punchayets.							
				Decreed wholly or in part.	Dismissed.																	

No. 1. Abstract of original suits.

1	2	3	4	5	6	7	8	9	10
Name of the Zillah.	under 10 Rupees.	under 50 Rupees.	under 100 Rupees.	under 200 Rupees.	under 500 Rupees.	under 1000 Rupees.	under 10,000 Rupees.	upwards of 10,000 Rupees.	Total
Disposed of.....									
Pending.....									

No. 2. Abstract of decisions on the merits, by the Native Judicial Functionaries in the Zillah of for the year 184 .

1	2	3	4	5	6	7
	Number of Functionaries.	Number of decisions.	Proportion of Decrees.			
			Appealed.	Confirmed.	Amended.	Reversed.
Principal Sudder Ameen.....						
Sudder Ameens.....						
Moonsiffs.....						

No. 2.

A Statement of Appeals from the Decrees of the Assistant Judges and Native Functionaries in arrears preferred and disposed of from the 1st January to the 31st December 184 in the Zillah of

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
					Disposed of.				Appeals from the Assistant Judges.			Appeals from the Native Functionaries and Punchayets.													
Authorities Deciding.	On the file on the 1st January 184 .	Preferred in the 12 following months from Assistant Judges' Decree	From the Native Functionaries.	Total.	On trial: Decreed wholly or in part.	On trial: Dismissed on default.	Adjusted.	Transferred from one file to another.	Confirmed.	Amended.	Reversed.	Confirmed.	Amended.	Reversed.	Of these decided by the Judge.	Ditto by Agent.	Ditto Senior Assistant and Assistant Judges.	Ditto Principal Sudder Ameen.	Total disposed of within 12 months	On the file on the 1st January 184	Appeals on the file under one year.	From one year and upwards.	Notes of Fines.	Transferred to the principal Collector and Collectors under Section XXXI Regulation XVII of 1827, and Act XVI of 1838.

N. B The columns 10 ad 15 intended to shew how the case entered in column 6 were decided.
The Total columns 6 ad 9 and of 16 at 19 should correspond with column 20.

No. 1. Abstract of Appeals.

1	2	3	4	5	6	7	8	9	10
Name of the Zillah.	under 10 Rupees.	under 50 Rupees.	under 100 Rupees.	under 200 Rupees.	under 500 Rupees.	under 1000 Rupees.	under 10,000 Rupees.	upwards 10,000 Rupees.	Total.
Disposed of.....									
Pending.....									
Total....									

No. 2. Abstract of Appeals.

1	2	3	4	5	6
Name of the Zillah.	Number of original suits decided on merits.	Proportion of regular appeals to original suits per cent.	Proportion of second appeals to regular appeals per cent.	Proportion of specials appeals to regular and second appeals per cent.	Total.

TO THE ZILLAH JUDGES,

SIR,

No. 180.

Security from Officers of Government when appellants in suits, should be required.

It having come to the knowledge of the Sudder Dewanee Adawlut, that a diversity of practice prevails in regard to taking security according to Section 75 Regulation IV. of 1827, from Officers of Government being Appellants, in their public capacities, in the several Zillah Courts, I am directed by the Judges to instruct you, that, in their opinion, such security should always be taken *.

* This order is abrogated by Act VIII. of 1845.

Bombay, Sudder Dewanee Adawlut,
25th March 1844.

TO THE ZILLAH JUDGES AND COLLECTORS,

SIR,

No. 181.

Moonsiffs not to keep in their hands larger sums than 100 Rupees, coming to them in the execution of their Functions.

I am directed by the Judges of the Sudder Dewanee Adawlut to transmit the accompanying extract of Para. 5th of a Resolution of Government, dated 16th ultimo, on the report of the Judicial Commissioner for the Southern Maharatta Country at the close of his last circuit, and to request that the necessary instructions may be issued to the Moonsiffs and Mamlutdars, under your control; to the former, not to retain in their hands larger sums than Rupee 100, coming to them in any way, in the execution of decrees or otherwise, and to the latter, to receive into the Treasuries under their charge all sums that the Moonsiffs may transmit in excess of the above amount.

Extract para. 5th of a Resolution of Government, dated 16th March 1844. *No.* 850.

Paras 34 and 35 of the circuit Report and para. 12 of the Register's letter.

5th. Resolved that Government approve of the proposition for requiring the several Moonsiffs to send to the Mamlutdars all sums of money exceeding 100 Rupees, coming to them in any way, in the execution of Decrees or otherwise, and that the Court be requested to issue a Circular Order to the Zillah Judges and Collectors containing Rules for that purpose.

Bombay, Sudder Dewanee Adawlut,
15th April 1844.

TO THE ZILLAH JUDGES.

SIR,

No. 182.

Petitions for special appeals to the Sudder Dewanee Adawlut should be accompanied by a certificate that the required notice has been given to the parties

* No. 165 of this collection

I am directed by the Judges of the Sudder Dewanee Adawlut, to request that in forwarding Petitions to this Court for the admission of special appeals, you will certify that notice has been given to the parties as required in the Court's Circular * of the 29th April 1843, No. 838.

Bombay, Sudder Dewanee Adawlut,
20th April 1844.

† The Provisions of this Circular Order are extended to Collectors by Circular of 29th June 1844. No. 187 of this Collection.

TO THE JUDGES.

No. 183.

Fees received by Assistant Judges, an Annual Return required of.

SIR,

I am directed by the Judges of the Sudder Adawlut, to request that you will be pleased hereafter to forward annually to the Court, for ultimate transmission to Government, a statement made up to the 30th April, of the amount of Fees drawn by the several Assistant Judges under this Presidency.

Bombay, Sudder Adawlut,
18th May 1844.

TO THE ZILLAH JUDGES.

No. 184.

Batta received for serving process of Civil Courts,—directions for guarding against the misappropriation of.

SIR,

The Judges of the Sudder Dewanee Adawlut having had under consideration the returns made to the Court's Circular letter No. 2050 dated the 14th December 1842,* direct me, with the view of imposing a check against the misappropriation of any portion of the amount realized as batta for serving process of the Civil Courts, to forward the accompanying form of an abstract, and to request that you will instruct the Native Judicial Functionaries in your Zillah to adopt it in all their accounts of the sums received and disbursed, and furnish it monthly to you.

2d. I am at the same time desired to call your attention to the accounts alluded to, and to inform you, that no expenditure is to be allowed from the Batta fund, except for the support of the establishment of the Native Judicial Functionaries.

3d. I am also instructed to request that you will, on the 1st January of each year, furnish, for the information of this Court, an account of the batta according to the form above referred to.

* Not printed.

Bombay, Sudder Dewanee Adawlut,
29th May 1844.

Abstract of Pay of Native Servants under the Moonsiff or Principal Sudder Ameen, or Sudder Ameen (as the case may be) of ———— for the month of ———— 184 .

1	2	3	4	5	6	7	8	
Date of employment.	Names of the Persons composing the Establishment.	Designations.	Time served.	Amount of Pay. From the office allowance	Amount of Pay. From the Batta.	Amount of Pay. Total.	Grand Total.	Receipts.
1839. Augt. 1st	Damodhur Ramba	Karcoon..	One month.	8 0 0	2 0 0	10 0 0		
1842. Oct. 6th	Gopinath Wamonrow....	Ditto..	Ditto.....	6 0 0	4 0 0	10 0 0		
Augt. 1st	Tookaram Bapoojee.	Ditto..	From 1st to 15th June 1843, being 15 days at Rs. 7-8-0. per month.	2 8 0	1 4 0	3 12 0		
Sept. ..	Hurry Narrayen Joosey..	Ditto..	Ditto.....	6 0 0	1 0 0	7 0 0		
.. ..	Gunnoo Baboorow	Ditto..	Ditto.....	6 0 0	1 0 0	7 0 0		
.. 15th	Wamonjee Govind	Ditto..	Ditto.....	6 0 0	1 0 0	7 0 0		
							44 12 0	
Oct. 1st	Koosha Trimbuck.	Naique. ..	Ditto.....	3 8 0	2 0 0	5 8 0		
.. ..	Govinda Jadow.	Peon.	Ditto.....	1 0 0	4 0 0	5 0 0		
.. ..	Krishnajee Govind	Ditto..	Ditto.....	1 0 0	4 0 0	5 0 0		
							15 8 0	
	Petty supplies	.....	.....	10 0 0	.. .. ..	10 0 0		
							10 0 0	
			Rupees..	50 0 0	20 4 0	.. .. ..	70 4 0	

I do hereby certify that the unexpended balance of Batta to the close of the last month was Rupees———— and the amount collected on that account during this month is ——making a total of Rupees ———— from which, after deducting the charges as specified in the column No. 6 of this Abstract, there remains at the close of this month an unexpended balance of Rupees——

I do hereby declare that the several persons whose names are borne on this Abstract were effective for the period for which their allowances are charged, and that the same have been paid to each individual as herein setforth as their actual salary.

Moonsiff's Court ———— 1844.

Errors Excepted

and Contents Received.

TO THE ZILLAH JUDGES.

No. 185.

Wukalatnamahs to Wukeels attached to the Sudder Adawlut should be authenticated by the Nazir and Moonsiffs.

SIR,

I am directed to inform you, that the Judges of the Sudder Dewanee Adawlut have resolved, that all Wukalatnamahs addressed to the Wukeels attached to this Court from the Zillahs, be authenticated by the Nazir at the Hoozoor Station, and by the Moonsiffs in the Districts, and to request that you will accordingly issue instructions to give effect to this resolution in your respective Zillahs.

Bombay, Sudder Dewanee Adawlut,
15th June 1844.

TO THE JUDGES.

No. 186.

Returns, Reports and other documents from subordinate officers to be required on paper of one size.

SIR,

I am directed by the Judges of the Sudder Adawlut to request that you will in future have all your Returns, Reports, and Orders on, and from, the Native Judges, and other Subordinate Officers, drawn out on paper of one size, as affording greater facilities for binding and reference.

Bombay, Sudder Adawlut,
29th June 1844.

TO THE COLLECTORS AND SUB-COLLECTORS.

No. 187.

Petitions for special appeal to the Sudder Dewance Adawlut, rules for receiving and forwarding.

* Nos. 165 and 182 of this collection.

SIR,

I am directed by the Judges of the Sudder Dewanee Adawlut to forward for your information and guidance, the accompanying copies of the Court's Circulars,* dated respectively the 29th April 1843, No. 838, and 20th April 1844, No. 858 addressed to the Zillah Judges with reference to Act III. of 1843.

Bombay, Sudder Dewanee Adawlut,
29th June 1844.

TO THE ZILLAH JUDGES.

No. 188.

Batta, non-pre-payment of, not to interfere with the immediate execution of processes.

* Not printed.

SIR,

With reference to the Court's Circular of the 30th November 1843, No. 2333*, I am directed by the Judges of the Sudder Dewanee Adawlut to state for your information, that although there be no objection to the receipt of Batta previous to the issue of processes, yet that the non-pre-payment of Batta should never be allowed to interfere with the immediate execution of any process: and that in case the said Batta be not paid, subsequently to such execution, the proper, and only course, to be pursued for its recovery is that laid down in Section 45, of Regulation IV. of 1827.

Bombay, Sudder Dewanee Adawlut,
3rd July 1844.

TO THE JUDGES.

SIR,

No. 189.

Books of Traders offered in evidence, need not be retained on record, except in particular cases.

The Judges of the Sudder Dewanee Adawlut having had under their consideration, the inconvenience to which traders are subjected by the practice which prevails in some Courts, of taking from them, and filing in suits under trial, Books offered in evidence by these parties, I am directed to call your attention to the same, and to point out, that the law does not require, when such Books are produced, that they should be invariably retained, it being sufficient, in most cases, that an extract of the part read in evidence should be recorded, care being taken to mark the portion so extracted with the signature of the Judge of the Court,—any alteration, interpolation, or other peculiarity observable in the original, being likewise noted on the extract.

The only instances in which it may be desirable to retain on Record Trader's Books, are those, when the Court trying the case may see cause for doubting their correctness, but on all such occasions the grounds for detaining them should be duly recorded, and it will rest with the Zillah Judge to determine on their eventual retention or otherwise.

Bombay, Sudder Dewanee Adawlut,
23rd July 1844.

TO THE ZILLAH JUDGES.

SIR,

No. 190.

Sunnuds of Native Judicial Functionaries to be returned to the Sudder Dewanee Adawlut on casualties &c.

I am directed by the Judges of the Sudder Dewanee Adawlut, to request that you will, in future, observe it as a rule to return to the Court the Sunnuds of Native Judicial Functionaries on casualties occurring, on promotion from a lower to a higher grade, and on transfer from your Zillah.

Bombay, Sudder Dewanee Adawlut,
9th September 1844.

TO THE JUDGES, AND SESSION JUDGES, AND MAGISTRATES.

SIR,

No. 191.

"Shree" and other significant emblems prohibited to be used as a superscription on public papers.

It having been brought to the notice of the Hon'ble the Governor in Council, that a practice is allowed in Offices under the authority of the British Government, of issuing papers bearing as a superscription the words "Shree" or "Hur" or other significant emblem, and of permitting such to be placed at the head of Books of accounts, and other public records, I am directed by the Judges of the Sudder Adawlut, under instructions from Government, to intimate, that the said practice, being objectionable, is to be discontinued, and all Officers of Government, in whatever Department, are accordingly forbidden to allow any paper, or document, of whatever nature, bearing such superscription to issue from the Department, Court, or Office, under their control.

Bombay, Sudder Dewanee and Foujdaree Adawlut, 15th October 1844.

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ERRATA.

Volume I. of Sudder Dewanee Adawlut Circular Orders.

Circular No. 37.		*In the address.*
	For	"To the Zillah Judges."
	Read	"To the Collectors."
Circular No. 40.		*In the second line.*
	For	"An error which appears in Clause 1st, Section I. Regulation XII. of 1830, viz: that the "amount" instead of ten times the amount "of one year's assessment is inserted.
	Read	"An error which appears in the Maratha and Guzerathee versions of Clause 1st, Section I. Regulation XII. of 1830, viz: that "ten times the amount" instead of the "amount of one year's assessment is inserted.
Circular No. 56.		The date of this Circular is omitted.—The date is the 12th October 1833.
Circular No. 102.		The accompaniment to this Circular is erroneously numbered as No. 103.
Circular No. 102.		The Circular Order that should have followed this, dated 18th January 1841, No. 135 A, having been omitted in its proper place, is entered at the commencement of Part 2nd of Volume I.

CIRCULAR ORDERS

PASSED BY

The Sudder Dewanee Adawlut,

VOL. I.

Part III.

CONTAINING THE CIRCULAR ORDERS FOR THE YEARS 1845 & 1846.

BOMBAY,

GOVERNMENT PRESS;—APOLLO STREET.

D. Nicher, Printer.

MDCCCXLVII.

CIRCULAR ORDERS

PASSED BY THE

SUDDER DEWANEE ADAWLUT,

AND COMMUNICATED TO THE

Zillah Judges and Collectors,

BY THE

REGISTER OF THAT COURT.

TO THE JUDGES.

GENTLEMEN,

No. 192.

Any leave of absence granted to native Law or Judicial officers to to be specified in a return to be furnished monthly to the Court for the use of the Civil Auditor.

I have the honor by direction of the Judges of the Sudder Dewanee Adawlut to request that you will furnish to the Court for the use of the Civil Auditor, a monthly return commencing with the 1st instant, of leave of absence to native Law Officers and native Judicial Functionaries, according to the form herewith annexed,

Bombay, Sudder Dewanee Adawlut,
22nd January 1845.

Return shewing the leave of absence granted to native Law Officers and native Judges or principal Sudder Ameens, Sudder Ameens and Moonsiffs of the several Zillahs under the Bombay Presidency by Government and the Sudder Dewanee Adawlut, under the provisions of the rules passed by Government on the 11th Sept. 1843 *during the month of* ———

NAMES OF ABSENTEES.	Designation of the absentees.	Period for which leave has been granted.	Period of actual absence.					
			Date of leaving the duties.		Date of resuming the duties.		Years.	Months.	Days.
A. B.....	Hindoo Law officer of ———								
C. D.....	Mahomedan Law officer of———								
E. F.....	Moonsiff of ———								
&c. &c. &c.									

TO THE JUDGES.

No. 193.

Form of certificate to be adopted by Zillah Judges in recommending individuals to the Court for Moonsiffships in addition to a report of character and qualifications.

GENTLEMEN,

I have the honor by direction of the Judges of the Sudder Dewanee Adawlut to request that whenever you may have occasion to recommend an individual for the appointment of Moonsiff, you will invariably accompany your recommendation with a list in conformity with the annexed form, in addition to a report of his character and qualifications.

Bombay, Sudder Dewanee Adawlut,
3rd March 1845.

List of person or persons recommended for the appointment of Moonsiff in the Zillah of——

1	2	3			4	5			6
NAMES.	Caste or Tribe.	Present Age.			Date of entering the overnGment service in any department.	Total period of service in any department of Government.			REMARKS.
		Years.	Months.	Days.		Years.	Months.	Days.	

N. B.—Columns 4 and 5 will be blank when an individual who has never been in the Government employ is recommended for a Moonsiffship.

TO THE JUDGES.

No. 194.

The signatures of all officers annexed to public documents to be legibly written.

GENTLEMEN,

I have the honor by direction of the Court of Sudder Adawlut to request that in affixing your signature to public documents, you will be careful to do so legibly, several instances to the contrary, in which it would be difficult to decipher the name of the party subscribing, but for incidental circumstances, making it necessary that the Court should take this public notice of a practice so objectionable.

Bombay, Sudder Adawlut,
19th April 1845.

TO THE JUDGES AND COLLECTORS, AND THE AGENT FOR SIRDARS.

No. 195.

The number of suits dismissed solely on account of the non-attendance of Plaintiffs to be specified in a note in the monthly abstract report of

GENTLEMEN,

Under instructions from Government conveyed in a letter from Mr. Secretary Escombe, dated the 3rd instant, I have the honor, by direction of the Court of Sudder Dewanee Adawlut to request that you will henceforward exhibit, in a note at the bottom of your monthly abstract report of causes, appeals &c. disposed of during the

month in the several Courts of the zillah under your charge, the number of suits which may be dismissed solely on account of the non-attendance of the Plaintiffs, the information being required by Government to enable it to judge of the relative strictness of the several Courts throughout the Presidency in acting up to the Regulations in this respect.

causes, appeals &c. disposed of.

Bombay, Sudder Dewanee Adawlut,
25th April 1845.

TO THE COLLECTORS.

GENTLEMEN,

No. 196.

Authorizes the Collector to appoint with the sanction of Government, any officer under him to the duty of signing stamped paper.

I have the honor by direction of the Court of Sudder Adawlut, under instructions from Government, to annex for your information and guidance, extract para. 22nd of a Government resolution dated the 14th February last, intimating that any officer, under a Collector, may, with the sanction of Government, be entrusted with the duty of signing stamped papers.

Extract para. 22 *from the Resolution of Government dated* 14*th February* 1845.

22. The Judges of the Sudder Adawlut are requested to intimate to the different Collectors the opinion expressed in the 40th para. of the Register's letter, that any officer, under the Collector, may, with the sanction of Government, be appointed to the duty of signing stamped paper.—It should likewise be intimated to those authorities to be careful, that the stamped paper issuing from their respective offices, is signed by an officer properly authorized.

Bombay Sudder Adawlut,
29th April 1845.

TO THE JUDGES.

GENTLEMEN,

No. 197.

Additional rules laying down a higher test of qualifications necessary for, and the examination required of Candidates for office, as Karkoons, as Vukeels, as Law officers and as native Judges in the zillah Adawluts, as also rules for regulating the duties of those officers.

Paras. 5 at 12 and 23 at 25.

The Honorable the Governor in Council having had under consideration the best means of ensuring greater efficiency in the native officers in the Judicial department in their several classes of—1st, those on the establishments of the Courts.—2nd Vukeels,—3rd Law officers.—4th, the several grades of native Judges. I am instructed by the Judges of the Sudder Dewanee Adawlut to convey to you extracts as per margin of a letter from the Secretary to Government Judicial department, dated the 20th March last, No. 874 with the following observations of the Court, regarding the higher tests of qualifications to be henceforth required and more particularly from the first and last of the above classes.

2. As regards the first class, the views of Government will be found in paras. 5 6 and 7 of the accompanying extracts. To carry out these views, I am desired to acquaint you, the Judges have resolved that in future all nominations to situations in the zillah Courts, which under existing rules require the confirmation of this Court shall be invariably accompanied by a copy of the report of the committee of examin-

ation established by the Court's circular of the 28th October 1836.—The Judges likewise direct me to enjoin on you a strict attention to the provisions of this order in all appointments not requiring a reference to the Sudder Adawlut, as none will henceforth be considered valid, in regard to which it shall appear that the parties holding them have not been subjected to the requisite test.

3. With respect to the establishments of the native Judges alluded to in the 10th para. of the accompanying extract, I am instructed to observe, that the Judges are not prepared to lay down any fixed rule at present. They desire in the first instance to have your report as to the feasibility of the proposal for requiring that each member of these establishments should necessarily pass an examination before employment; and also whether it might not be advantageous for drafts of employés for the zillah Judge's Courts to be made from the establishments of the native Judicial Functionaries. On these points I am desired to request you will without delay, favor the Court with your opinion.

4. With reference to para. 12 of the accompanying extract, I am directed to request you will make a special annual report of the most deserving individuals on your establishment, and the particular manner in which you may desire that each should receive promotion.

5. I am further desired to acquaint you, that measures are under consideration for securing higher qualifications in the 2nd class of Judicial officers or Vukeels, and in the mean time to request your attention to the 2nd para. of the Court's circular No. 50 of the printed collection, it being observed by the Judges that certificates less particular in their terms than are required by the above quoted order are occasionally presented by Candidates for Sunnuds to the committees for the examination of such persons.

6. In order to afford some check to inconsistent expositions by the Law officers in the different Courts, forming the 3rd class of these officers, the Judges have resolved that a copy of every written exposition given in the zillahs shall be transmitted to the Sudder Adawlut. With this rule you will therefore be pleased to comply, forwarding copies of all such expositions in future as well as of those that have been recorded since the 1st January of the current year.

7. The views of the Hon'ble the Governor in Council as regards the 4th class of servants, viz. the several grades of native Judges, are contained in the 23d at 25th paras. of the annexed extract. With reference to the same, I am directed to inform you that the Judges have resolved to hold examinations twice a year in the months of March and November, on days of which due notice will be given. Before this committee all candidates for the office of Moonsiff must appear, and such persons only will be allowed to present themselves for examination as can produce really good testimonials of character and respectability from the Judge of the zillah of which they may be inhabitants or other competent authority if resident elsewhere.

8. No person will henceforth be appointed a moonsiff without a certificate of qualification from the committee above alluded to, neither will any Moonsiff be promoted to the grade of Sudder Ameen until his attainments have been tested in the same manner and he has been pronounced fit for the further elevation.

Extract paras. 5 @ 12 and 23 @ 25 of a letter from Government in the Judicial Department No. 874, dated 20th March 1845.

Para 5th.—As regards the remaining classes of government servants attached to our Courts, it seems to the Governor in Council evident that to effect any improvements that would be beneficially felt throughout the entire line, the first requisite must be to secure, as far as possible, the constant and regular preparation of a sufficient number of intelligent, honest, and moderately educated men to fill the subordinate offices which compose the first class.

6th.—The attention hitherto given to these and all the lower officers of the Courts, the Governor in Council is disposed to think has been very slight and insufficient; that many have been admitted to inferior situations who are quite unqualified for any, and that the heads of the offices have had scarcely any opportunities of becoming personally acquainted with the manner in which these persons conduct their duties. The Judges of the Sudder Adawlut are therefore requested to make known to all the Zillah Judges and their detached assistants that government expect they will bestow particular care on the selection and supervision of the lower grade of public functionaries, and that they will not nominate, or appoint to any situation on their establishment, any person who has not qualified for such employment, by passing the requisite examination.

7th.—If these injunctions are acted up to, those entering on a course of Judicial service will, the Governor in Council is confident, in these subordinate situations, and under the supervision of a European officer acquire such habits of industry, and such a competent knowledge of business and of the ordinary procedure of the Courts as will qualify them on the occurrence of vacancies, to undertake duties of superior and more respectable situations; and they should then continue to receive gradual promotion as vacancies occurred, or as they might show themselves to be equal to higher duties, such an arrangement moreover, would serve to guard against interruptions to public business, by the introduction of incompetent persons into offices of trust, each individual would succeed to a situation with the duties of which he would be acquainted, and from the lowest to the highest the regularity and efficiency would be uninterrupted.

8th.—These most desirable results also would be obtained without any violation of existing rules and provisions. By these it is required that every candidate for employment of any kind in the judicial Department, shall undergo an examination by a Committee consisting of a European officer, the principal Sudder Ameen, or (if there be no principal Sudder Ameen present) the Sudder Ameen, the Judge's Sheristedar, a Mamlutdar and a respectable and intelligent native gentleman not in the service of Government; and he is expected to read such papers, petitions and proceedings in criminal and civil suits as may come before a Court, and also the printed regulations, and to explain what he reads, to take down, in a clear hand, any depositions and examinations of witnesses, and any orders or judgements that may be passed, and to answer questions on the most prominently useful points of the regulations. The Committee must further satisfy themselves that each candidate is of respectable character. Those who may then give satisfactory evidence of their proficiency and conduct are thenceforth to be eligible to any ordinary appointment in the judicial line.

9th.—Members of the establishment of Native Judges, are however, virtually excepted from this ordeal, and it appears to have been the practice, hitherto to permit those officers themselves to select and appoint the subordinates in their own Courts, without, the Governor in Council believes, any restrictions as to qualifications or general character. It has been indeed ruled, that the persons thus appointed are, in fact servants of Government, and amenable as such to the general regulations for misconduct or abuse of authority, and it would appear to be the opinion of the Court, that it is not necessary, they should be further dependant on the European heads of departments.

10th.—In reference to this, I am however desired to observe, that as Government is responsible for the conduct of its servants it consequently must have a right to require that this conduct shall he exemplary, and to take, or ordain, such measures as may be needful to ensure this. For the present however, His Honor in Council considers that it will be sufficient to enjoin Native Judges not to appoint any one to any situation on their establishment, until he shall have passed the examination prescribed for other candidates for judicial employ, and given satisfactory evidence of character. The Judges are therefore requested to cause the requisite communication to be made to the Native Judges accordingly.

11th.—The Governor in Council is satisfied that a careful observance of these, and like precautions will guard against the admission into the judicial branch, of improper and worthless persons, it will then only remain with the heads of departments to give attention to the subsequent conduct of those employed under their control, and to be responsible for their efficiency. And if they invariably make advancement dependant on general conduct and assiduity, they will be enabled regularly, and without difficulty, to provide efficient successors on the occurrence of casualties in any ordinary appointment, from the lowest grade to the head of the office.

12th.—The Governor in Council therefore requests, that the Judges will be pleased to call upon the Zillah Judges and the Heads of offices generally, specially to notice the most deserving individuals on their establishment, and the particular manner in which they may intend or desire that each should receive preferment. These reports should be forwarded to the Sudder Adawlut and the Government, and by this means, the general circle of promotion might be extended, not perhaps to the entire Presidency, but to all that portion of it over which the same language is in use, add to this the publicity thus given to ordinary procedure will be a great incentive to industry and exertion.

23rd.—With a view to the removal of some of the defects of the existing system, the Governor in Council observes that the Judges of the Sudder Adawlut have recommended the institution of some further precautions in conformity with the practice which obtains in Bengal, under this arrangement, every candidate for the situation of Moonsiff, even if he had passed the preliminary examination for employment in the Judicial line is required to undergo a further examination before the Sudder Adawlut, when he is called upon to answer in writing before the Committee of examination, twelve questions on the Regulations and the practice of the Courts, to answer verbally such questions as may be put to him to ascertain his capacity, and after hearing the record of a decided case read, to write his opinions as to the manner in which the suit should he decided and the Law or Regulation which governs the decision.

24th.—The Governor in Council further observes that the Judges consider that those only should be allowed to present themselves for this examination who can produce really good testimonials of character from the Judge of the Zillah and certificates from him showing that they belong to a class in other respects eligible for the situation of Native Judge, and it is further proposed that to all those who may succeed in passing the trial, Diplomas be granted signifying their claims to be appointed Moonsiffs as vacancies may occur, and that no person be hereafter nominated to the higher situation of Sudder Ameen until he shall have undergone the required examination and been declared by the Sudder Dewanee Adawlut to be duly qualified.

25th.—This, I am desired to observe, appears to the Governor in Council to be a just and proper measure, and well worthy of adoption, and the Judges are requested to issue the necessary instructions for carrying the same into effect.

Bombay, Sudder Dewanee Adawlut,
13*th May* 1845.

TO THE JUDGES.

GENTLEMEN,

No. 198.
Directing the exposition of the Native Law officers to be submitted to the Court quarterly.

With reference to para 6 of the Court's Circular No. 197 of the 13th May last, I am instructed by the Judges of the Sudder Dewanee Adawlut to direct that the expositions of the Native Law officers thereby required to be submitted, be sent up to the Court quarterly.

Bombay, Sudder Dewanee Adawlut,
2*nd July* 1845.

TO THE JUDGES.

GENTLEMEN,

No. 199.
No Vukeel to receive a Sunnud without producing a certificate shewing he has purchased a copy of the regulations the price of which is reduced to Rs. 10.

Government having reduced the price of the Regulations in both Goozerathee and Mahratta to Rupees 10 per copy, as intimated in a letter from Mr. Secretary Escombe dated the 13th ultimo, I am directed by the Court of Sudder Adawlut to request you will adopt every necessary step for making generally known this decision of the Hon'ble the Governor in Council to meet the public convenience.

2d.—I am further instructed to request that you will likewise give every publicity to the intention of the Court, to require hereafter every candidate for the office of Pleader to produce a certificate of having purchased a copy of the Regulations for his personal use, previous to the issue of a Sunnud to him, it being determined that this be imposed as a condition on all persons offering themselves to practice as Vukeels in future.

Bombay, Sudder Adawlut,
9*th July* 1845.

TO THE JUDGES.

GENTLEMEN,

No. 200.
Collectors are instructed to grant certificates to purchasers of copies of the regulations in the native

With reference to their Circular No. 199 of the 9th ultimo, I am instructed by the Court of Sudder Dewanee Adawlut to forward for your information the accompanying extract para 1st of a letter from Mr. Secretary Escombe, No. 2562 of the 2d instant,

languages who may be candidates for the office of pleaders.

intimating that the Collectors have been instructed to grant certificates to purchasers of copies of the Regulations in the native languages who may be candidates for the office of Pleader.

Bombay, Sudder Dewanee Adawlut,
9th August 1845.

Extract para. 1*st of a letter from Government, in the Judicial Department dated* 2*d August* 1845, *No.* 2568.

I am directed by the Hon'ble the Governor in Council to acknowledge the receipt of your letter No. 1555, dated the 9th ultimo, and to inform you that the several Collectors have been instructed to furnish to every candidate for the office of Pleader, who may purchase a copy of the Regulations in either Guzerathee or Mahratta, a certificate to that effect.

TO THE JUDGES.

GENTLEMEN,

No. 201.

All Carkoons on the Native Judges' establishments previous to a promotion to a situation of Rs. 8 per mensem or upwards are required to undergo the same examination to which candidates for employ in the direct service are subject.

And every candidate for examination as a Hindoo Law officer is required to produce a certificate from the Superintendent of the Poona college.

With reference to para. 3d of the Courts' Circular No. 197 of 1845, dated the 13th May last, I am directed by the Judges of the Sudder Dewanee Adawlut to acquaint you, that the Court has resolved to require from Carkoons in the employment of the Native Judicial functionaries, who receive 8 Rupees per mensem, and upwards, that their character and qualifications shall be tested by an examination such as those who are candidates for employ in the direct service of Government, in the Judicial Department, are called on to undergo by the Sudder Foujdaree Circular Order No. 106.

2d.—I am therefore desired to request that you will cause it to be made known to all the above functionaries, under your control, that no person is in future, to be advanced to the grade indicated, without having passed the prescribed examination. The Judges trust that the adoption of this measure will lead to the formation of an improved class of subordinates, from which drafts can be advantageously made to the Adawlut establishments, and they desire without limiting the selection to them to see vacancies filled as much as possible from this source.

3d.—With reference to the 6 para of the circular above quoted, I am desired to acquaint you, that the Court has resolved to require every canditate for examination as Hindoo Law officer, to produce a certificate from the Superintendent of the Poona College that he has a competent knowledge of the Shastras, and to request that you cause this resolution to be made public in the Zillah under your control.

Bombay, Sudder Dewanee Adawlut,
30th September 1845.

TO THE JUDGES.

GENTLEMEN,

No. 202.

The importance attached to, and the discretion to be exercised

With reference to the Court's Circular No. 178 of the 17th November 1843, regarding the periodical visit of the District Courts by the Zillah Judges, I have the

honor by direction of the Judges of the Sudder Dewanee Adawlut to subjoin for your information and guidance extract (para 10) of a letter from Mr. Secretary Escombe, No. 3525 of the 23d October last, on the subject of the importance attached by the Hon'ble the Governor in Council, to that duty, and the discretion to be exercised by the Judges in the performance of it.

by the Zillah Judge in visiting his district Courts.

Bombay, Sudder Dewanee Adawlut,
18th December 1845.

Extract para 10 *of a letter from Mr. Secretary Escombe, in the Judicial Department, No.* 3525, *dated* 23*d October* 1845.

10th.—Although the Governor in Council attaches much importance to the Courts of the subordinate Judicial officers being visited from time to time by the Zillah Judges, he is not disposed at present to render the duty imperative, such visits he considers must be left (entirely) to the discretion of the Judge, who alone can determine when they can be made without prejudice to other more important business.

TO THE JUDGES.

GENTLEMEN,

No. 203.

No person without Sunnud to practise as Vukeel in any of the Zillah Court, as is required by Act I of 1846.

I am directed by the Judges of the Sudder Adawlut to call your attention to the provisions of Act I of 1846, by Section III of which Clause 3, Section XLVII of Regulation II of 1827, is repealed, in order that proper measures may be taken by you, prohibiting the practice of unauthorized persons as pleaders in any of the Courts under your respective jurisdictions.

2d.—The Court is of opinion that the Vukeels now practising without Sunnuds under the authority of the Regulation above quoted, should be allowed to complete the conduct of such cases as they may at present be engaged in, but that no new engagements should be entered into by them until they have qualified.

Bombay, Sudder Adawlut,
20th March 1846.

TO THE JUDGES.

GENTLEMEN,

No. 204.

Further instructions regarding the granting of certificates to candidates for Sunnuds as pleaders, with form of certificate annexed.

I am directed by the Judges of the Sudder Dewanee Adawlut to inform you that, from many of the certificates produced this year before the Committee for the examination of candidates for Sunnuds as pleaders, they are led to believe that their former instructions on the subject of such certificates have not been fully understood.

2d.—I am therefore desired to request that you will not in future issue any certificate until you have satisfied yourself as to the age, capacity, character, education, and past employment of the applicant.

3d.—A form of certificate is hereto annexed for your future guidance, and with re-

ference to it, I am directed to observe, that the Judges consider it indispensable that candidates should be well acquainted with the Balbodh character, in which the great majority of the Regulations are printed.

Bombay, Sudder Dewanee Adawlut,
22nd May 1846.

FORM OF CERTIFICATE.

It is hereby certified that I have examined the bearer A. B. inhabitant of and find that he is years of age (which shall not be less than 21), is of respectable character, reads Balbodh well, and he is otherwise properly educated, he has hitherto been employed as and I consider him fit to appear before the examination Committee to pass as a Pleader.

TO THE JUDGES.

GENTLEMEN,

No. 205.

The patronage and responsibility of nomination to the office of Moonsiff is not taken out of the hands of the Zillah Judges by Courts Circular No. 197, which was only intended to ensure a higher rate of qualifications to that important office.

The attention of the Judges of the Sudder Dewanee Adawlut having been called to what appears to them to be misapprehension on the part of the Zillah Judges, of the Courts Circular letter of 13th May 1845; I am directed to inform you that the Circular was not intended to take the patronage and responsibility of nomination to the office of Moonsiff out of the hands of the Zillah Judges, but to ensure by personal examination before the Sudder Court that henceforth none but qualified persons should be promoted to that important office. The qualification required may be devided into three headings—character, position in society, and suitable attainments. Of these I am directed to remark, the Judges consider the first to be the chief, and as in regard to it the Sudder Adawlut must in the vast majority of cases entirely rely on the report of the Zillah Judges, the responsibility of those officers for the respectable character of the Moonsiffs appointed in their Zillah is necessarily in no degree diminished by the subsequent examination as to other qualifications before the Sudder Dewanee Adawlut.

2d.—No persons should in the opinion of the Court, receive a certificate of his fitness for examination whom the Judge granting it would not, on his own responsibility, be prepared to nominate as a Moonsiff. Thus no person should be furnished with a certificate, whom the Zillah Judge shall not have ascertained to be of the age of 25 years and of good family and respectable connexions, and of suitable education; nor should certificates be granted to all persons who solicit such, employed in the Government Service, but only to those holding the higher and more responsible situations in a Zillah Adawlut, or to persons employed in the Revenue and other Departments possessed of corresponding rank, no Vukeel (unless by position in life specially qualified) should be eligible for a certificate, who has not held a Sunnud with good reputation for the period of ten years.

3d.—The Judges of the Sudder Dewanee Adawlut are induced to make the above remarks by observing instances of the Zillah Judges certifying to the fitness for examination of mere youths, of persons employed in the Zillah Courts, or even in those of the Native Judges as Karkoons of the lowest grades, or of inexperienced Vukeels, whose

Sunnuds of Vukeelship appeared to be the only ground on which they could have obtained such certificates. So great a laxity in furnishing certificates as that alluded to must in the opinion of the Judges operate to deter the respectable portion of the community, whose services it is so highly desirable to enlist in the Judicial department from coming forward to offer themselves for situations, for which they are thus forced to compete with persons wanting in character or position in society.

4th.—Candidates should, I am further directed to say, be desired to apply to the Zillah Judges at least three months before the date of examination, in order that these, authorities may have time to investigate their claims to possess certificates of respectability; rejected candidates will not be allowed to appear again for a period of two years and at every such renewed appearance a fresh certificate will be required.

5th.—Cases, I am further desired to observe, may occur in which a Zillah Judge is unable to nominate a person as Moonsiff who has passed an examination in the Sudder Dewanee Adawlut, from not finding such among the published list of candidates declared qualified. In such instances the Judge should select a person whom he may find on examination to be fitted for the vacant post in which he will be allowed to act with the approval of the Sudder Adawlut until his qualifications can be tested by the usual examination at the seat of the Court, on the next occasion of a Committee assembling for that purpose, or by means of one held specially.

6th.—Finally, I am desired to acquaint you that the Court has resolved to hold the examination of candidates for the office of Moonsiff annually in the month of November, instead of half yearly as before resolved, and you will be pleased to make this known by proclamation throughout your jurisdiction as well as such other parts of this letter as it may be necessary to communicate for general information.

Bombay, Sudder Dewanee Adawlut,
16th July 1846.

TO THE JUDGES.

GENTLEMEN,

No. 206.

Judicial commissioner to be assisted from the establishment of the local authorities even if it should occasion temporary inconvenience to those departments.
24th May 1830
5th October 1839.

Instances having been brought to notice in which the requisitions of the Judicial Commissioners for assistance from the establishments of the local authorities have been disputed, I have the honor by direction of the Court of Sudder Adawlut under instructions from Government dated the 13th instant, to intimate to you, that in accordance with orders by the Hon'ble the Governor in Council as noted in the margin, it is imperative on you to comply with any such requisitions from that functionary when on Circuit, even if it should occasion some temporary inconvenience to your department, while at the same time, I am instructed to add, it will be incumbent on him to regulate his demands with reference to your ability to answer them without hindrance to the proper performance of your duties.

Bombay, Sudder Adawlut,
24th July 1846.

TO THE JUDGES,

GENTLEMEN,

No. 207.

Moonsiffs and other servants in the Adawlut establishment coming on leave to the Presidency to be examined are to be considered on duty for their period of absence under certain conditions.

I have the honor by direction of the Court of Sudder Dewanee Adawlut to intimate that in the case of Moonsiffs, acting Moonsiffs, and servants on the Adawlut establishments coming to the Presidency on leave to undergo examination for the situations of Sudder Ameens and Moonsiffs, they are to be considered on duty for the period of their absence, provided it does not exceed the prescribed time for coming and going at the rate of 15 miles a day, together with the time they may be required to be in attendance at the Court prior to, and after the examination.

Bombay, Sudder Dewanee Adawlut,
28th. November 1846.

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TO THE

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OF THE

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FROM 1821 TO 1846 *INCLUSIVE.*

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ERRATA.

Volume I. of Sudder Dewanee Adawlut Cicular Orders.

Circular No. 37.		*In the address.*
	For	"To the Zilla Judges."
	Read	"To the Collectors."
Circular No. 40.		*In the second line.*
	For	"An error which appears in Clause 1st, Section I., Regulation XII. of 1830, viz: that the "amount" instead of ten times the amount "of one year's assessment is inserted."
	Read	"An error which appears in the Maratha and Guzerathee versions of Clause 1st, Section I. Regulativn XII. of 1830, viz: that "ten times the amount" instead of the "amount of one year's assessment is inserted."
Circular No. 56.		The date of this Circular is omitted.—The date is the 12th October 1833.
Circular No. 102.		The accompaniment to this Circular is erroneously numbered as No. 103.
Circular No. 135.		The Circular order that should have followed this, dated 18th January 1841, No. 135 A. having been omitted in its proper place, is entered at the commencement of Part 2nd of Volume I.

CIRCULAR ORDERS

OF THE

SUDDER DEWANEE ADAWLUT

FOR THE

YEARS 1847 AND 1848.

VOL. II.—PART I.

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1849.

CIRCULAR ORDERS

OF THE

SUDDER DEWANEE ADAWLUT

FOR THE

YEARS 1847 AND 1848.

To THE COLLECTORS.

No. 208.

Pleaders in Revenue Courts.

The Provision in Act I. of 1846, for a Certificate of qualification for Pleaders is applicable to the Revenue Courts: and the Sudder Dewanee Adawlut is pleased, under Section IV. of the Act, to empower Collectors to grant Certificates to persons of good character, and sufficient qualifications, to practice as Vakeels in Revenue Courts at stations where the services of *Sunudy* Vakeels not being available may render the measure necessary; but every instance in which such Certificate is granted must be reported to the Sudder Dewanee Adawlut, in view to a Sunud being issued.

January 26th and September 27th 1847.

To THE JUDGES AND COLLECTORS.

No. 209.

English Records to accompany Petition for Special Appeal.

Every Petition for Special Appeal submitted to the Sudder Dewanee Adawlut is to be accompanied by a Copy of all the English Records or Minutes of Proceedings required by Act XII. of 1843, together with the Decree.

January 29th 1847, *and February 22nd* 1848.

To THE JUDGES.

No. 210.

Form of Expositions of Native Law Officers.

Form for the Expositions of the Native Law Officers required by Circular Order 198.

February 2nd 1845.

February 16th 1847.

To THE JUDGES.

No. 211.

Cancels Para. 3 of Circular Order 184 of May 29th 1844.

May 23rd 1847.

To THE JUDGES AND COLLECTORS.

No. 212.

Trials of Original Suits not to be begun before all the Evidence is ready.

As a general rule no trial of an original suit is to commence before all the evidence to be adduced is reported to be ready, or the Witnesses be in attendance : unless, after every effort has been made to have the Witnesses in attendance on the day fixed for trial, some manifest default of either party in not doing his best to effect this shall justify the trying authority in not waiting for, nor adjourning for his evidence. But if at the time of trial most of the Witnesses are present, those should be examined; after which the Court, on good cause being shewn, may, in its discretion, adjourn the trial to procure the attendance of the Absentees; whose evidence may be taken at such adjourned hearing. This adjournment however should be considered the exception and not the rule.

March 31st and September 7th 1847.

To THE JUDGES AND COLLECTORS.

No. 213.

Supercession of an Interpretation on Section 50 of Regulation II. of 1827.

The Interpretation on Clause I. of Section 50, of Regulation II. of 1827, dated the 29th October 1830, is superseded by the provisions of Act I. of 1846.

April 16th 1847.

To THE JUDGES.

No. 214.

Penalty described in Clause 2, Section LXVI. of Regulation IV. of 1827, not a Penal Provision.

The penalty provided for in Clause 2, of Section 66, of Regulation IV. of 1827, is not a penal measure, but intended to provide for the indemnification, on application, of parties injured by the procedure against which the enactment is directed; and which is to be obtained summarily, as set forth in Section 59 of the same Regulation.

April 20th 1847.

To THE JUDGES.

No. 215.

Six Forms to be used under Acts. XIX and XX. of 1841.

Six Forms of Engagements, Security Bonds, and Certificates.—A, B, and C, to be used in all cases coming under the Provisions of Act XIX. of 1841; and D, E, and F, in such cases as come under Act XX. of 1841.

April 23*rd* 1847.

To THE JUDGES AND COLLECTORS.

No. 216.

Circular Order No. 2 to be applied to the Courts of all Native Functionaries.

The instructions contained in Circular Order 2 of the 23rd March 1821, to be applied to the Courts of all Native Functionaries and fully carried out therein.

April 28*th* 1847.

To THE JUDGES AND COLLECTORS.

No. 217.

Mode of obtaining opinion of a Law Officer.

Whenever it may be necessary to obtain the opinion of a Law Officer, a clear question, setting forth everything that may be requisite for his guidance, is all that should be referred for exposition; and not the cases out of which the question may arise.

May 10*th* 1847.

To THE JUDGES.

No. 218.

Rule for the treatment of Applications from Vakeels to practice in another Zilla.

All applications from Vakeels to be allowed to transfer their practice from one Zillah to another, should be preferred either through the Judge of the Zilla to which the applicant is desirous of removing, or the Judge of the Zilla he wishes to quit; it being also requisite, in either case, that the latter officer should state if there be any objection to the removal.

June 14*th* 1847.

To THE JUDGES.

No. 219.

Preliminary enquiries under Acts XIX. and XX. of 1841, how to be made generally.

In remote Districts public convenience may require that the preliminary investigations held under Acts XIX. and XX. of 1841, should be entrusted to the Native Judges; but in other circumstances it is desirable not to burden those officers, especially as the enquiry can be properly carried on by the assistance of the Law Officers of the Zilla Court.

June 14*th* 1847.

To THE JUDGES.

No. 220.

The Reports of the most deserving Servants in their Adawluts to be interchanged among the Zilla Judges.

Government being desirous by means of the periodical Reports of the most deserving individuals in the Adawlut Establishments, furnished under para. 4 of Circular Order 197, to open a more extensive field of promotion to the Native Judicial Officers in the different Zillas, by making their qualifications more generally known, and thus giving the European Judges an opportunity of selecting for appointments not only from their own subordinates, but from those of other Adawluts, the Sudder Adawlut directs, that the Judges of Surat and Ahmedabad will exchange reports; and that a like interchange of Reports take place between the several Courts of the Deccan and Konkun.

August 6*th* 1847.

To THE JUDGES.

No. 221.

Copies of Decrees to be promptly given, especially to Government Officers.

The Zilla Judges should enjoin on all the Native Judges promptitude in granting Copies of Decrees at all times; but especially to the Officers engaged on behalf of Government, as references often require to be made to the Presidency, and the time is short when the appeal lies within the Zilla.

August 31*st* 1847.

To THE COLLECTORS.

No. 222.

Mamlutdars to qualify as Revenue Judges.

The Provisions of Regulation VI. of 1830 must be strictly enforced by the several Mamlutdars being required to qualify for the disposal of business in their Revenue Courts; but a Mamlutdar who has once qualified by solemn affirmation, need not be called upon to renew it while employed in the same Collectorate, although he may be transferred to another Mamlut.

September 11*th* 1847.

To THE JUDGES AND COLLECTORS.

No. 223.

Abolishes Abstract No. 2 in Annual Statement of Appeals No. 2.

Abstract No. 2, at the foot of the Annual Statement of Appeals No. 2, furnished in accordance with the Circular Order No. 179, is to be omitted.

October 21*st* 1847.

To THE JUDGES.

No. 224.

Enjoins the Employment of all Classes of persons on Public Establishments.

The patronage of Government in respect to Native Servants on Public Establishments being almost exclusively confined to Hindoos, the Sudder Dewanee Adawlut is pleased to advise, with advertence to Circular Order No. 197, that whenever Mahommedans, Parsees, and Indo-Britons, &c., are found equally qualified, they should be held equally eligible for employment in Subordinate Offices and Establishments.

October 23rd 1847.

To THE JUDGES AND COLLECTORS.

No. 225.

Realization of Vakeel's Fees.

The right Vakeels enjoyed under Regulation II. of 1827, to the levy of their Fees by the order of the Court in which they practice, is abrogated by Act I. of 1846, and such right no longer exists. The amount of Vakeel's Fees should not therefore be entered as costs of suits for the personal advantage of the Pleaders, but when costs are awarded, the amount of one Vakeel's Fee will appear in the Bill of Costs, for the benefit of the party in whose favor such award is made.

2. Further: the provisions of Clause 1, Section LIII. of Regulation II. of 1827, being inconsistent with those of Section VII. of Act I. of 1846, are superseded by the latter; and in no case, other than in a suit decided on merits, should more than a quarter Fee be calculated for the purpose above indicated.

December 16th 1847.

To THE JUDGES.

No. 226.

Rules for guidance in explanation of Sections LXVI. and LXVII. of Regulation IV. of 1827.

When property is seized to be sold in satisfaction of a Decree of Court, a proclamation should be made agreeably to Section LXVI. Clause 2, and every such proclamation, whether the first, or any issued after the sale has been stayed for a time, by an order of Court, must give at least fifteen days' notice of the time and place of sale.

In the event of any one appearing to assert a claim to such property, and satisfying the party at whose instance it has been seized of his right to it, the property can be released by order of the Court, at the application of the party who caused it to be seized.

If the application be made to the Officer charged with the sale, at the time of sale, such Officer should, on clear evidence of such right to the property being offered, or on the applicant's giving security, under a penalty as prescribed in Clause 2, Section LXVI. and LXVII. of the Regulation quoted, for filing a suit in Court within 30 days, adjourn the sale for the time, refer the party to the Court for an order to stay the sale, and make an immediate report on the subject to the Court from whence the order emanated.

If an applicant appears before the Court to assert a right or interest in property seized in execution of a Decree of Court, either before the sale has commenced, or after

an adjournment by the Officer charged with the sale (for the confirmation of the adjournment), the Court will fix a day for hearing the matter, and forthwith give notice to the opposite party to appear, and on his appearing will proceed as follows :—

If clear and undoubted evidence appear of the applicant's right of ownership in the whole or any portion of the property, the Court will rescind the order of sale, and remove the attachment from such property, taking care always to restore it to the same hands, or the exact position from whence it was taken.

If the right advanced be not very clear, yet if the seizer be willing to stand the result of an action, and the petitioner binds himself according to Regulation to file a suit to establish his claim, he should be referred to that course, and the parties should be at the same time informed, that such suit will be heard and determined as soon after the pleadings are completed as circumstances will admit, without regard to the order in which it stands on the File.

If the claim set up be only to an advantage derivable from immoveable property, as an annuity secured therein, or mortgage or the like, as such claimant asserts no right of ownership in the property, there is no hindrance to the sale proceeding, and the Court, after summarily examining the evidence offered, and being satisfied of its correctness, should explain to him the course provided in the latter part of Section LXVII. of the Regulation quoted, by which his right is secured although the property be sold, and point out the certain loss he must incur, should he insist on staying the sale, by being eventually obliged under any circumstances to indemnify the seizer for his loss by the delay, &c. If he on this consents to let matters take their course, the sale should be proceeded with, care being taken in issuing the Proclamation to set forth that the property will be sold, subject to the right or interest advanced thereto by the said claimant, provided that the same shall be established in a competent Court, as prescribed by Regulation; but if he will not consent, and provides the necessary security, the sale must be stayed. It is, however, highly improbable that any one will make such a choice, with such a consequence before him, if rightly explained.

If any person appearing to claim the property advertised for sale, cause the sale to be stayed, and does not afterwards file a suit according to engagement, the Judge, on application by the party at whose instance it was seized, will call the said claimant before him, appointing a fixed day for hearing both sides; and on the default being proved, will award such fine to be paid as indemnity for loss or injury so sustained, as may in a summary enquiry appear reasonable in order to check false claims being put forth.

December 24*th* 1847.

To THE JUDGES.

No. 227.

Acting Appointments restricted to 3 months, except by special sanction of the Court.

In respect to vacancies in Subordinate Appointments on Public Establishments which are subject to the confirmation of the Sudder Dewanee Adawlut, it is determined that no servant shall be considered an Acting Officer therein for more than Three Months, without the special sanction of the Court.

January 21*st* 1848.

To THE JUDGES.

No. 228.

European Officers not to be deputed to unwholesome Districts during September and October.

Government has determined as a standing rule, that during the Months of September and October, when the European constitution is particularly exposed to danger from the deadly effects of Jungle Miasma, no European shall be deputed into a neighbourhood known to be dangerous or unwholesome unless the exigence of the Public Service shall urgently require his presence; and the Heads of Departments will, in all cases, be held by Government to be strictly answerable for the due observance of this precaution.

February 2nd 1848.

To THE JUDGES

No. 229.

Act XII. of 1843 to be observed by Native Judges in signing Decisions.

Native Judges should be enjoined to conform to the provisions of Act XII. of 1843, by signing their Decrees at the time of giving them; a separate Book being kept for such only where the language of the Court is not that of the Judge.

February 11th 1848.

To THE JUDGES AND COLLECTORS.

No. 230.

Contempts of Court.

In respect to punishing Contempts of Court, the Sudder Dewanee Adawlut is pleased to intimate its opinion, that the provisions of Act XXX. of 1841, should be applied in the case of the use of menacing gestures, or expressions in the presence of the presiding authority, and that the General Regulations should be the guide in respect to other descriptions of Contempt.

February 11th 1848.

To THE JUDGES AND COLLECTORS.

No. 231.

Gum Arabic not to be used to close Letter Packets.

The use of Gum Arabic to close letters addressed to the Register of the Sudder Adawlut being objectionable, the Sudder Dewanee Adawlut directs attention to the Government Notification in the General Department of the 16th December 1842, to be found at page 922, in the *Government Gazette* of that year.

May 13th 1848.

To THE JUDGES.

No. 232.

Batta for Principal Sudder Ameens, being European, Portuguese, or Indo-Briton.

By order of Government, every Principal Sudder Ameen being a European, an Indo-Briton, or a Portuguese (native), shall receive the same rate of Batta when on detached duty as is allowed to Uncovenanted Assistants, viz. Rupees 5 per diem.

May 29th 1848.

To THE JUDGES.

No. 233.

Incumbents of Government Jagheer Grants, cannot charge them with Debts.

By order of Government: in the case of Grants by Government of Jagheers, as provisions for families, existing Incumbents will be held incapable of charging the Estates with Debts beyond their own lives, whether the Jagheers revert to the State or to individuals.

The Sudder Dewanee Adawlut directs that every publicity be given to this Notice.

September 5th 1848.

To THE JUDGES.

No. 234.

Stamps for Copies of Decrees.

Copies of Decrees for whatever purpose required, can only be given on Stamps of the value laid down in Appendix F of Regulation XVIII. of 1827; it being only other papers that can be obtained on the inferior Stamp of 8 annas.

September 25th 1848.

To THE JUDGES.

No. 235.

Quarterly Returns of Dismissed Servants.

Under instructions from Government, Quarterly Returns, agreeably to the annexed Form, of Persons dismissed from the Establishment of Judges, in view to the preparation of a combined General Return for communication to the Revenue authorities, are to be furnished to the Sudder Dewanee Adawlut.

October 11th 1848.

Quarterly Return for the 31st March (as the case may be) of persons dismissed from the Establishment of the Zillah Judge of (as the case may be) shewing the names and the orders issued in respect to them.

No.	Names.	Official Designation.	Offence for which dismissed.	Nature of order issued on dismissal.

To THE JUDGES AND COLLECTORS.

No. 236.

Nazir of Sudder Adawlut is authorized to attest Mooktyarnamahs and Vakalutnamahs for transmission to the Mofussil.

It having been represented to the Sudder Dewanee Adawlut by Petition, that persons residing in Bombay suffer great inconvienence from there being no person on the spot empowered to attest Mooktyarnamahs and Vakalutnamahs, which they require to send to Agents in the Provinces for carrying forward Suits in which they are parties before the Courts, and for the transaction of other business; it has been resolved, that the Nazir of the Sudder Adawlut shall attend to this business.

2. It is to be distinctly understood, that this is intended solely for the public convenience, and that it is not necessary to the validity of any such instrument, that it should be so attested, and no one need apply for such attestation who may not himself desire it.

3. The attestation of the Nazir is to certify, that the paper is drawn up by or with the concurrence of the person whose name it stands in, and by whom it is signed, it will therefore be his duty to satisfy himself on these points, before affixing his name to it.

4. For this duty the Nazir is authorized to receive a fee of eight annas, if for a business of 100 Rupees; and four annas for all below that sum.

October 25th 1848.

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OF THE

SUDDER DEWANEE ADAWLUT

FOR THE

YEARS 1847 AND 1848.

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CIRCULAR ORDERS

OF THE

SUDR DEWANEE ADAWLUT,

FOR THE

YEARS 1849 AND 1850.

Bombay:

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1851.

CIRCULAR ORDERS

OF THE

SUDR DEWANEE ADAWLUT,

FOR THE

YEARS 1849 AND 1850.

To THE JUDGES.

No. 237.

Defendant being beyond Munsif's jurisdiction, in certain cases procedure under Section XLIII. of Regulation II. of 1827.

SUITS must not be filed in Munsifs' Courts for the removal of attachments in execution of Decrees of Court when the Defendant resides beyond their jurisdiction. When a Munsif finds that the Defendant is a resident of another jurisdiction, he should, as prescribed in Section XLIII. of Regulation II. of 1827, stay further proceedings, and send up the suit to the Judge, who should try it himself, or refer it to the Principal Sudr Ameen, or Sudr Ameen; or otherwise, under Act IX. of 1844, the Munsif himself might be specially empowered to decide it.

January 6th 1849.

To THE JUDGES.

No. 238.

Visits to Native Judges' Courts.

The periodical visits of Zillah Judges to the District Courts being made under the direction of the Judicial Commissioners, and extending to those Courts which the Judicial Commissioners are unable to visit themselves, Reports of these visits of the Zillah Judges should be made to the Judical Commissioners in time to have the result of the inspections inserted in the Judicial Commissioners' Circuit Reports.

February 6th 1849.

To THE JUDGES AND COLLECTORS.

No. 239.

The use of Oriental words in Pleadings and Petitions, &c. to be avoided.

Oriental words which can be rendered into English without the loss of any of their signification, should be avoided in all English Records and Proceedings; and the introduction of English words into Pleadings and Petitions, &c. should be checked as much as possible, as they are frequently misapplied, and obscure the meaning of the papers in which they are used.

February 24th 1849.

To THE JUDGES AND COLLECTORS.

No. 240.

Commissions under Act VII. of 1841, how to be despatched.

Commissions which Native Judicial Functionaries may have occasion to issue under the provisions of Act VII. of 1841, for execution in another Zillah, or in a foreign territory, should be prepared by the Native Judge or Mamlutdar, and sent to the Judge or Collector (as the case may be) of his own Zillah, who, after having observed that the Commission is properly prepared, should forward the same to the Zillah Judge, or Resident, or other authority where the Commission is to be executed.

April 12th 1849.

To THE JUDGES AND COLLECTORS.

No. 241.

Preparation of Applications for Special Appeal.

Vakeels and other parties, being applicants for the admission of Special Appeals, should be instructed to observe strictly the provisions of Act III. of 1843, and in preparing applications for Special Appeals to set out clearly the question of law, usage, or practice on which reasonable doubt may exist, and their applications are founded. All extraneous and irrelevant matter should be carefully excluded, for the merits of the application will be thereby damaged and obscured.

May 1st 1849.

To THE JUDGES.

No. 242.

Reports of taking charge, or return from leave.

The taking charge of his duties, and the return from leave of absence of any Judge or Assistant Judge, shall be reported to the Sudr Dewanee Adawlut only, and the Sudr Dewanee Adawlut will communicate the same to Government, for notification in the Government Gazette.

May 4th 1849.

To THE JUDGES AND COLLECTORS.

No. 243.

Costs in pauper Suits how recoverable by Government.

Copies of all Decrees in suits *in formâ pauperis* in which costs are to be recovered on account of Government shall, in the first instance, be forwarded by the Native Judge direct to the Mamlutdar of the Talooka, with the view to his handing it up to the Collector, who may then instruct his Vakeel to adopt the necessary measures for enforcing the recovery of the costs.

May 9*th* 1849.

To THE JUDGES.

No. 244.

Closing the Courts of a Zilla for the Vacation.

On application being made for closing the Courts of a Zillah, under Section I. of Regulation VI. of 1834, the Judge should certify that he has consulted each Native Judge, and that his opinion is that no public inconvenience will result from his Court being closed, or otherwise.

June 9*th* 1849.

To THE JUDGES.

No. 245.

Drawing attention to Act XII. of 1843.

The Judges of the Sudr Dewanee Adawlut having often been unable to distinguish in the Judgments of the Zillah Courts, which accompany applications to appeal, the portion that formed the "Minute" of the Judge, written by himself in his own language, and also signed by him at the time of pronouncing his decision; and it being necessary that the Sudr Court should see what the Lower Court considers to "be the points to be decided," as well as "the decision thereon," and "the reasons for the decision," and with reference to the Interpretation on Section XII. of Regulation III. of 1827, of the 28th April 1849, the Judges should strictly observe the provisions of Act XII. of 1843, and write and sign, as each Decree is made, a Minute, comprising the three prescribed points, altogether distinct from the rest of the Proceedings kept, under the Regulation, in the vernacular language of the Zillah.

June 13*th* 1849.

To THE JUDGES AND COLLECTORS.

No. 246.

Annual Returns.

The Annual Civil Returns are to be dispatched to the Sudr Dewanee Adawlut within one month after they become due, instead of as prescribed in Circular Order 179.

July 9*th* 1849.

To THE JUDGES.

No. 247.

Simpler Appeals only to be referred to Assistant Judges, generally.

The Courts of the Judge and Assistant Judge at the Hoozoor being one jurisdiction, the simpler Appeals only should be referred to the Assistant, whenever the state of the Appeal File will admit of it; but Appeals from the Principal Sudr Ameen are not, under any circumstances, to be referred for trial to the Assistant Judge.

July 27*th* 1849.

To THE JUDGES AND COLLECTORS.

No. 248.

The use of the words "Plaintiff" and "Defendant," "Appellant" and "Respondent," and the corresponding terms in the Native languages, in the Proceedings which come before the Sudr Dewanee Adawlut on Appeal, causes confusion, and obscures the subject matter before the Court; the use of these terms is accordingly to be discontinued, and in their stead the names of the parties in the suit are to be used. The Lower Courts should be instructed to this effect.

The use of the words "Plaintiff," "Defendant," &c. to be discontinued, and the names of the parties to be used instead.

October 13*th* 1849.

To THE JUDGES.

No. 249.

Leave to Native Judges and Law Officers.

The Right Hon'ble the Governor in Council has been pleased, under date the 9th instant, No. 3999, to resolve that in addition to the conditional leave which Native Judicial Functionaries are, under Section VI. of the Rules of the 11th September 1843, allowed during the closing of their Courts, leave on Medical certificate for a period not exceeding 14 days in the year may be granted to those Officers free of deduction, when no inconvenience or expense is caused by their absence.

October 22*nd* 1849, *and February* 28*th* 1850.

To THE JUDGES AND COLLECTORS.

No. 250.

Pauper Plaintiffs losing their suits not liable for costs for stamped Paper and Batta.

It has been brought to the notice of the Sudr Dewanee Adawlut that parties admitted to sue as Paupers have, on losing the suit, been called on to pay the amount of costs to Government which would have been incurred by them for stamped paper and batta had they not been Paupers; such practice should be discontinued, being contrary to Section VI. of Regulation VI. of 1827.

December 15*th* 1849.

To THE JUDGES AND COLLECTORS.

No. 251.

Amended Form for the monthly Civil Returns.

An amended Form for the Monthly Civil Return, in substitution for the one now submitted.

January 26*th and February* 12*th* 1850.

FORM TRANSMITTED TO THE JUDGES.

Monthly Abstract Report of Causes and Appeals and Miscellaneous Petitions disposed of and remaining in the Zillah of
during the Month of *submitted agreeably to the Court's Circular Orders of the 20th October 1829, 31st July 1838,*
and 26th January 1850.

Authority deciding.	ORIGINAL SUITS.													APPEALS.												Miscellaneous Petitions and Motions on which Orders are passed.
	For Disposal.				Disposed of, &c.									For Disposal.				Disposed of, &c.								
					By Decision.						By Transfer.							By Decision.						By Transfer.			
	Arrears from the previous Month.	Received by transfer from other Files.	Instituted during the Month.	Total.	Decided on Merits.	Dismissed and struck off subsequent to some investigation.	Dismissed and struck off without investigation.	Razeenamah subsequent to some investigation.	Razeenamah previous to any investigation.	Total disposed of.	From one Civil File to another.	To Revenue Court.	Total.	Suits on the File at the close of the Month, after deducting the total of columns 10 and 13 from the total of column 4.	Arrears from the previous Month.	Received by Transfer from other Files.	Instituted during the Month.	Total.	Decided on Merits.	Dismissed and struck off subsequent to some investigation.	Dismissed and struck off without investigation.	Razeenamah subsequent to some investigation.	Razeenamah previous to any investigation.	Total disposed of.	From one Civil File to another.	To Revenue Court.	Total.	Appeals on the File at the close of the Month, after deducting the total of columns 24 and 27 from the total of column 18.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
A. B., Judge																													
C. D., Assistant Judge																													
E. F., Principal Sudr Ameen ..																													
G. H., Sudr Ameen.....																													
I. J., Munsiff																													
Total....																													

FORM TRANSMITTED TO THE COLLECTORS.

Monthly Abstract Report of Causes and Appeals and Miscellaneous Petitions disposed of and remaining in the Collectorate of *during the Month of* *and 26th January* 1850. *submitted agreeably to the Court's Circular Orders of the 20th October* 1829, *31st July* 1838,

Authority deciding.	ORIGINAL SUITS.															APPEALS.											Miscellaneous Petitions and Motions on which Orders are passed.
	For Disposal.				Disposed of, &c.											For Disposal.				Disposed of, &c.								
					By Decision.							By Transfer.								By Decision.					By Transfer.			
	Arrears from the previous Month.	Received by transfer from other Files.	Instituted during the Month.	Total.	Decided on Merits.	Dismissed and struck off subsequent to some investigation.	Dismissed and struck off without investigation.	Razeenamah subsequent to some investigation.	Razeenamah prevous to any investigation.	Boundary Disputes.	Total disposed of.	From one Civil File to another.	To Judicial Court.	Total.	Suits on the File at the close of the Month, after deducting the total of columns 11 and 14 from the total of column 4.	Arrears from the previous Month.	Received by transfer from other Files.	Instituted during the Month.	Total.	Decided on Merits.	Dismissed and struck off subsequent to some investigation.	Dismissed and struck off without investigation.	Razeenamah subsequent to some investigation.	Razeenamah previous to any investigation.	Total disposed of	From one Civil File to another.	To Judicial Court.	Total.	Appeals on the File at the close of the Month, after deducting the total of columns 25 and 28 from the total of column 19.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
A. B., Collector																														
C. D., Mamlutdar of																														
E. F., Ditto of																														
G. H., Ditto of																														
I. J., Ditto of																														
Total....																														

To THE JUDGES.

No. 252.

Rules for the transmission of Papers in Suits in which Collectors are parties.

Under instructions from Government, in all cases in which the Collectors are parties, the following Rules should be observed, instead of transmitting direct to Government copies of Plaints under Clause 2nd, Section V. Regulation IV. of 1827.

1st. To forward under cover to the Collectors, instead of direct to the Secretary's Office, the copy and English version of Plaint they are required by Clause 2nd, Section V. Regulation IV. of 1827, to transmit to Government; the latter document to have a blank margin half width of the page, and the Case being entered by the Judge in the monthly list of unanswered references, until its receipt is acknowledged by Government.

2nd. To forward to Government through the Collectors, with a margin of the width above mentioned, a copy of the English record, which, under Section I. Act XII. of 1843, has to be kept, of Decrees of Cases tried in the first instance or in appeals. The Government Vukeel will of course obtain, as at present, a copy of the Decree in the language of the Province.

January 29th 1850.

NOTE.—There was a 3rd para. to this Circular Order, which was cancelled by Circular Order April 19th 1850, No. 1178.

To THE JUDGES.

No. 253.

Rate of travelling for Munsifs and others coming to the Examinations at the Sudr Adawlut.

The rate of travelling laid down in Circular Order 207 is to be 20 instead of 15 miles per diem.

February 2nd 1850.

To THE JUDGES.

No. 254.

C. O. 226 is cancelled.

Circular Order 226 is cancelled.

February 6th 1850.

To THE JUDGES.

No. 255.

Nazirs prohibited from borrowing money from residents within their jurisdiction.

Government has declared that its Circular 667, of the 25th February 1846, prohibiting Native Judicial Officers, on pain of dismissal, from borrowing money from persons residing within their jurisdiction, is as applicable to Nazirs as to any other Native Judicial Officer.

February 28th 1850.

To THE JUDGES, COLLECTORS, AND AGENTS.

No. 256.

Form of Annual Statement of Civil business.

With reference to Circular Order 179, and previous Orders on the subject, the Hon'ble the Court of Directors and the Government have directed the annexed Form of an Annual Statement, for shewing the state of the Civil business, to be substituted for the Annual Returns heretofore furnished under the former orders.

2. The new form of Statement should be prepared on Foolscap, with an inner margin, and should be dispatched by the time prescribed in the Circular Order No. 246, along with a Report containing information on the following topics :—

First.—The cause of increase or decrease on the general or any particular File or Files of original Suits or Appeals, compared with the previous year.

Second.—The cause of increase or decrease in the number of decisions, in respect to original Suits and Appeals, on the general or any particular File or Files, compared with the previous year.

Third.—The cause of postponement, when original Suits or Appeals are delayed longer than a year.

3. In addition to information on these points, which should be conveyed in as comprehensive a form as possible, the Report should embody a figured Statement in the form following, shewing the work of individual Officers contrasted with that of the previous year, accompanied with such remarks as may be necessary in elucidation.

Station, Name, and Designation of Officers.		185				185			
		On Merits.	Dismissed on Default.	Adjusted, &c.	Total.	On Merits.	Dismissed on Default.	Adjusted, &c.	Total.
(Station) A. B., Judge,	Original Suits..								
Ditto	Appeals								
(Station) C. D., Assistant Judge,	Original Suits..								
Ditto	Appeals								
(Station) E. F., Principal Sudr Ameen,	Original Suits..								
Ditto	Appeals								
(Station) G. H., Sudr Ameen,	Original Suits..								
(Station) I. J., Moonsiff,	ditto								
	Total..								

To make this form applicable to Collectors, the following should be substituted.
A. B., Collector, Original Suits.
Ditto Appeals.
C. D., Assistant Collector, Original Suits.
E. F., Mamlutdar, Original Suits.

This para. has reference only to the Judges.

4. The Statement of European Officers and of the description and amount of business disposed of required by the Circular Order No. 996, of the 1st April 1848, should continue to be submitted.

March 23rd 1850.

FOR ZILLA JUDGES AND AGENTS CIVIL.

No. 1.—Punchayets.

	185	185
Depending 1st January		
Instituted during the year..		
Total....		
Decided on Merits		
Dismissed..		
Dismissed on Default..		
Adjusted		
Otherwise disposed of..		
Total....		
Depending 31st December		

No. 2.—Munsifs.

	185	185
Depending 1st January		
Instituted during the year		
Total....		
Decided on Merits		
Dismissed		
Dismissed on Default		
Adjusted		
Otherwise disposed of		
Total....		
Depending 31st December		

No. 3.—Sudr Ameens.

	185	185
Depending 1st January		
Instituted during the year..		
Total....		
Decided on Merits		
Dismissed		
Dismissed on Default		
Adjusted		
Otherwise disposed of		
Total....		
Depending 31st December		

No. 4.—Principal Sudr Ameens.

	185		185	
	Original.	Appeals.	Original.	Appeals.
Depending 1st January..				
Instituted during the year				
Total....				
Decided on Merits				
Dismissed..				
Dismissed on Default				
Adjusted..				
Otherwise disposed of				
Total....				
Depending 31st December				

No. 5.—Assistant Judges.

	185		185	
	Original.	Appeals.	Original.	Appeals.
Depending 1st January..				
Instituted during the year				
Total....				
Decided on Merits				
Dismissed..				
Dismissed on Default				
Adjusted..				
Otherwise disposed of				
Total....				
Depending 31st December				

No. 6.—Zillah Judges.

	185		185	
	Original.	Appeals.	Original.	Appeals.
Depending 1st January..				
Instituted during the year				
Total....				
Decided on Merits				
Dismissed..				
Dismissed on Default				
Adjusted..				
Otherwise disposed of				
Total....				
Depending 31st December				

No. 7.—Aggregate of Original Jurisdiction.

	185	185
Depending 1st January		
Instituted during the year..		
Total....		
Decided on Merits		
Dismissed		
Dismissed on Default		
Adjusted		
Depending 31st December		
Decided by European Judges		
Ditto Native ditto		
Ditto Punchayets		
Total decided..		

No. 8.—Aggregate of Appellate Jurisdiction.

Appeals from	Zillah Judges.		Assistant Judges.		Principal Sudr Ameens.		Sudr Ameens.		Munsifs.		Punchayets.	
	185	185	185	185	185	185	185	185	185	185	185	185
Suits Appealable												
Appealed												
Appeals depending												
Total..												
Affirmed												
Modified												
Reversed												
Otherwise disposed of												
Dismissed on Default												
Adjusted												
Total..												
Depending 31st December												

No. 9.—Description of Original Suits.

	185	185
Connected with Land Rent		
Otherwise connected with Land		
Connected with Debts, Wages, &c...		
Ditto ditto Caste, Religion, &c.		
Total....		

No. 10.—Result of Original Suits.

In favor of Plaintiff.	In favor of Defendant.

No. 11.—Average duration of Suits and Appeals.

		185			185		
		Years.	Months.	Days.	Years.	Months.	Days.
Zillah Judges	Original Suits						
	Appeals						
Assistant Judges.. ..	Original Suits						
	Appeals						
Principal Sudr Ameens.	Original Suits						
	Appeals						
Sudr Ameens	Original Suits						
Munsifs	Original Suits						
Punchayets	Original Suits						

No. 12.—Total Value of Suits depending.

		185	185
Before Zillah Judge and other Courts..	Original.		
Ditto ditto..	Appeals.		
Total....			

No. 13.—Debtors in Jail.

	185		185	
	No.	Amount.	No.	Amount.
At the instance of Individuals				
For arrears of Revenue at the instance of Government				
Total number in Jail....				

FOR COLLECTORS.

CIVIL.

No. 1.—Punchayets.

	185	185
Depending 1st January		
Instituted during the year		
Total....		
Decided on Merits		
Dismissed		
Dismissed on Default		
Adjusted		
Otherwise disposed of		
Total....		
Depending 31st December		

No. 2.—Mamlutdars.

	185	185
Depending 1st January		
Instituted during the year..		
Total....		
Decided on Merits		
Dismissed..		
Dismissed on Default..		
Adjusted		
Otherwise disposed of..		
Total....		
Depending 31st December		

No. 3.—Assistant Collectors.

	185 .	185 .
Depending 1st January		
Instituted during the year..		
Total....		
Decided on Merits		
Dismissed..		
Dismissed on Default..		
Adjusted		
Otherwise disposed of..		
Total....		
Depending 31st December		

No. 4.—Collectors.

	185 .		185 .	
	Original.	Appeals.	Original.	Appeals.
Depending 1st January..				
Instituted during the year				
Total....				
Decided on Merits				
Dismissed..				
Dismissed on Default				
Adjusted..				
Otherwise disposed of				
Total....				
Depending 31st December				

No. 5.—Aggregate of Original Jurisdiction.

	185 .	185 .
Depending 1st January		
Instituted during the year..		
Total....		
Decided on Merits		
Dismissed		
Dismissed on Default		
Adjusted		
Depending 31st December		
Decided by Collectors and Assistants		
Ditto Mamlutdars		
Ditto Punchayets		
Total decided..		

No. 6.—Aggregate of Appellate Jurisdiction.

Appeals from	Collectors.		Assistant Collectors.		Mamlutdars.		Punchayets.	
	185 .	185 .	185 .	185 .	185 .	185 .	185 .	185 .
Suits Appealable								
Appealed								
Appeals depending								
Total..								
Affirmed								
Modified								
Reversed								
Otherwise disposed of								
Dismissed on Default								
Adjusted								
Total..								
Depending 31st December..								

No. 7.—Description of Original Suits.

	185 .	185 .
Connected with Land Rent		
Otherwise connected with Land		
Total....		

No. 8.—Result of Original Suits.

In favor of Plaintiff.	In favor of Defendant.

No. 9.—Average Duration of Suits and Appeals.

		185 .			185 .		
		Years.	Months	Days.	Years.	Months	Days.
Collectors	Original Suits						
	Appeals						
Assistant Collectors ..	Original Suits						
Mamlutdars	Original Suits						
Punchayets	Original Suits						

No. 10.—Total Value of Suits depending.

		185 .	185 .
Before Collector, Assistant Collector, and Mamlutdars..	Original.		
Ditto Collector	Appeals.		
Total....			

No. 11.*—Debtors in Jail.

	185 .			185 .		
	No.	Amount.		No.	Amount.	
At the instance of Individuals						
For arrears of Revenue, at the instance of Government						
Total number in Jail....						

Note.—A question being put to the Court as to what Suits are to be included under the head of "Dismissed," answer was returned that the Forms were intended for all India; and that while there might be some course of procedure in the other Presidencies to render the head necessary, it would remain blank under this Presidency, the cause being stated in an explanatory Note.

November 22nd 1850,

To THE JUDGES AND COLLECTORS.

No. 257.
Dead Stock.

Judges and Collectors will be considered as answerable for the safe keeping of Regulations, Acts, Interpretations, Circular Orders, &c., as of any other description of Dead Stock belonging to Government.

April 27th 1850.

To THE JUDGES AND COLLECTORS.

No. 258.
Candidates for the office of Pleader.

When Certificates, under Circular Order 204, are granted to persons wishing to be examined for the office of Pleader, care should be taken to ascertain that the party possesses a copy of the Regulations in the vernacular, otherwise he will not be examined.

The attention of Judges and Collectors is further called to Circular Order 204, in respect to the age at which every candidate is required to attain before examination.

April 30th 1850,

To THE JUDGES.

No. 259.
Return of Fines on Adawlut Servants.

The Government has directed that the Sudr Adawlut shall exercise supervision in respect to Fines inflicted by Zillah Judges on members of their establishments, when the aggregate of such upon a servant of whatever grade exceeds one-sixteenth of his

* This Form is only applicable to the Collectors of Kaira and Sub-Collector of Nassick.

pay during the month. All such fines should be entered in a Return according to the annexed Form, and it should be submitted monthly to the Sudr Adawlut.

September 12*th* 1850.

Return of Fines inflicted by the Judge of (Station) on Members of his Establishment for the month of 185 .

Number.	Names.	Designation.	Monthly Salary.	Offence for which fined.	Amount of Fine inflicted.

(Station)
Court of Adawlut,
(Month) 185 .

(Signed) A. B.,
Judge.

To THE JUDGES AND COLLECTORS.

No. 260.

Accounts how to be filed in Civil Cases.

When parties wish to file accounts as exhibits in Civil cases, a single application for leave to produce accounts as proof is sufficient for any number that may be produced, but if afterwards more are found to be necessary, that must be produced on a fresh motion.

The subordinate Courts are to be instructed accordingly.

October 23*rd* 1850.

To THE JUDGES.

No. 261.

Nazirs' Deposits.

In consequence of there being objections to the keeping of accounts of deposit receipt and expenditure under the Court's Circular Orders No. 43, 127, and 181, the Right Hon'ble the Governor in Council has been pleased to direct that the practice be prohibited.

His Lordship in Council, however, sees no objection to the Nazir being allowed to lodge, for safe custody, in the Collector's Treasury, a box or boxes, containing property of which he holds charge in his official capacity as Nazir, but for the contents of these boxes the Collector's department cannot be held responsible.

All that the Collector's establishment have to do is to see that the boxes are kept in a safe place, and not opened by any person but the Nazir, or such other Officer as the Judge may think fit to name; and if the Judge think proper, there can be two locks to each box, the key of one remaining with the Nazir, and of the other with himself or Assistant.

The Dewanee Circular Orders 43 and 127 are modified to the above extent, and Circular Order 181 is cancelled accordingly.

November 22*nd* 1850.

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CIRCULAR ORDERS

OF THE

SŪDR DEWANEE ADAWLUT

FOR THE

YEARS 1849 AND 1850.

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CIRCULAR ORDERS

OF THE

SUDDER DEWANEE ADAWLUT,

FOR THE

YEARS 1851, 1852, AND 1853.

Bombay:

PRINTED FOR GOVERNMENT

AT THE

BOMBAY EDUCATION SOCIETY'S PRESS.

1854.

CIRCULAR ORDERS

OF THE

SUDDER DEWANEE ADAWLUT,

FOR THE

YEARS 1851, 1852, AND 1853.

To the JUDGES and COLLECTORS.

No. 262.

Decrees to be drawn up in exact conformity with Section LX. Regulation IV. of 1827, as modified by Act XII. of 1843.

The instructions conveyed in Circular dated 1st December 1849, No. 3288, are withdrawn, and decrees to be drawn up in exact conformity with Section LX. Regulation IV. of 1827, as modified by Act XII. of 1843.

January 10th 1851.

To the JUDGES.

No. 263.

General *Mooktearnamahs* filed in a Suit to be on a Stamp corresponding with value of Suit, and copies thereof on a Stamp of 8 annas. Copies of Certificates of Heirship to be also on a Stamp of 8 annas.

General *mooktearnamahs* filed in suits should be on a stamp paper corresponding with the value of the suit, and copies thereof, when admitted, on a stamp of (8) eight annas, as prescribed by Section XX. Regulation XVIII. of 1827.

Copies of certificates of heirship should be written on a stamp paper of the value of (8) eight annas.

February 3rd 1851.

To the JUDGES.

No. 264.

Suits of and above Rupees 10,000, in which it is desirable to preserve the direct appeal to the Sudder Dewanee Adawlut, should be disposed of by the Zillah Judge.

Suits of and above ten thousand rupees being appealable to the Queen in Council, and for which, therefore, with reference to the Court's interpretation on Regulation VII. of 1831, of the 16th July 1849, it is desirable to preserve the direct appeal to the Sudder Dewanee Adawlut, should be disposed of by the Zillah Judge.

March 8th 1851.

TO THE JUDGES.

No. 265.

Trifling charges to be defrayed from the Petty Supply Fund.

Trifling charges to be defrayed from the Petty Supply Fund, without a previous reference to Government.

April 1st 1851.

TO THE JUDGES.

No. 266.

Rules relative to properly qualified parties filling the Office of Kazee.

Rules with respect to properly qualified parties filling the appointment of Kazee published as follows :—

1*st*.—All Kazees who were in office prior to the passing of Regulation XXVI. of 1827 shall neither be required to pass an exmination, nor to pay the usual fee of Rs. 10 for their *sunnuds*, which shall be presented by Government free of charge.

2*nd*.—Their successors shall be required to pass examinations, and to obtain *sunnuds*.

3*rd*.—Where Kazees neglect to comply with the second rule, Government will, on application, appoint other qualified parties in their stead, and these appointments shall be publicly notified in the place and district to which they refer.

May 17*th* 1851.

TO THE JUDGES.

No. 267.

Native Judges at the Sudder Station to appoint their own Nazirs.

Under the provisions of Act VII. of 1851, and Clause 2nd Section I. Regulation IV. of 1827, the Native Judges at the Sudder Station, as elsewhere, should appoint their own Nazirs, for the execution of their decrees.

November 28*th* 1851.

TO THE JUDGES.

No. 268.

Points at issue to be described in every Case.

A rigid attention enjoined to the instructions contained in Section XXIII. Regulation IV. of 1827, relative to describing the points at issue in every case, also to Circular No. 245, as a non-compliance with which renders a decree illegal.

Circular No. 229 is cancelled.

January 9*th* 1852.

To the JUDGES.

No. 269.

Forms of Certificate and Engagement under Act XX. of 1841.

Circulates for adoption the following forms of certificate and engagement in cases coming under the provisions of Act XX. of 1841 :—

Form of Engagement of a party to whom a Certificate is granted for collection of Debts on succession.

Whereas a certificate has been granted to me by the Judge of Zillah under the provisions of Act XX. of 1841, to collect the debts due to the estate of the late C. D., I promise and engage to give acquittances for all sums of money collected by me as debts on account of the estate of the said C. D. I further promise and engage to adhere strictly to such laws as have been or may be passed by the Governor General in Council for the guidance of persons holding certificates for the collection of debts due to the estate of deceased persons.

A. B.

Form of Security Bond.

Whereas a certificate has been granted to A. B. by the Judge of Zillah under the provisions of Act XX. of 1841, to collect the debts due to the estate of the late C. D., I hereby engage and bind myself to stand security for the said A. B., and to be answerable for any sums realized by him under the certificate granted to him, which may legally be demandable from him under the provisions of Act XX. of 1841. I further bind myself, my heirs and successors, not to sell, give, or otherwise transfer or dispose of the property mentioned in the annexed schedule, which I hereby pledge for the purposes of this engagement until the conditions thereof have been completely fulfilled.

(Schedule of Property.)

Form of Certificate to A. B.

Whereas, in pursuance of the orders of this Court dated the in the matter of the estate of the late C. D., this certificate is granted to you agreeably to the provisions of Act XX. of 1841, you are hereby authorised and empowered to collect all debts due to the estate of the said C. D., giving acquittances for all sums received by you. You are further empowered to receive interest on Government Notes and dividends, or on shares of any Bank, or parts thereof, or belonging to the said estate, and to negotiate such securities.* You are also empowered to receive a share of such interest or dividends that may be due to the said estate, or to negotiate a share of such securities.

You shall further adhere strictly to such laws as have been or may be passed by the

* These clauses to be omitted when such power is not intended to be conferred.

Governor General in Council for the guidance of persons holding certificates for the collection of debts due to the estates of deceased persons.

March 17*th* 1852. Judge.

TO THE JUDGES.

No. 270.

Deposits by Nazirs.

With reference to Circular Order No. 261, a letter from Government dated 3rd March 1852, No. 1224, is circulated for guidance, and attention drawn to the 3rd paragraph, as follows:—

Paragraph 3 *of Government letter dated* 3*rd March* 1852, *No.* 1224.

3. But as the province of the Nazir embraces the duty of "Administrator" as well as "Sheriff," and deposits on the former account are paid into the Treasury in Bombay under the provisions of Act VII. of 1849, since extended to this Presidency, His Lordship in Council is of opinion that a like course should be permitted in the event of large sums accumulating in the Nazir's hands in his capacity of Administrator. With this view a separate box, as at present, should be retained by the Nazir, for the transaction of all matters of immediate receipt and disbursement; and in case of accumulation beyond a certain amount, say Rs. 3,000, any sums in even hundreds tendered to the treasury will be received, and carried to account, as a Judicial deposit, and paid out again in like manner to the Nazir's order, countersigned by the Judge.

March 20*th* 1852.

TO THE JUDGES.

No. 271.

Batta to be levied for all work done in attaching and selling Property in execution of Decrees.

Batta is to be levied in future for all work done in attaching and selling property in execution of decrees for the remuneration of the parties employed on the work, in the manner and at the rate usual in the issue of process of Court.

Circular Orders No. 139 of the printed collection, and No. 138, of the 17th January 1844, are cancelled.

August 4*th* 1852.

TO THE JUDGES.

No. 272.

Records of Assistant Judges, Nazirs, and of all the Civil Courts, to be examined between the 1st January and 31st December in each year.

The records of the Assistant Judges, Nazirs, and of all the Civil Courts, are to be examined between the 1st January and 31st December in each year, in the same manner that the Judicial Commissioner has done. The last page of each record examined to be signed at the foot.

Any remarks occurring during this examination to be forwarded to the Sudder Court.

August 17*th* 1852.

To the JUDGES.

No. 273.

Law Officers prohibited from borrowing Money within their Jurisdiction.

Government has declared that its Circular No. 667, of the 25th February 1846, prohibiting Native Judicial Officers, on pain of dismissal, from borrowing money from persons residing within their jurisdiction, is also applicable to Law Officers.

September 3*rd* 1852.

To the JUDGES.

No. 274.

Rules for distribution of the Regulations and Acts.

The Right Honorable the Governor in Council being of opinion that distinct rules should be laid down for the distribution of the Regulations and Acts, the present practice in this respect being partial, and inconsistent with what is prescribed in Section IV. Regulation I. of 1827, and Circular Orders Nos. 2 and 216, has ordered the promulgation of the following resolutions on the subject:—

1*st.*—That heads of offices, whether Magistrates or Judges, shall carefully maintain a complete office copy of the Regulations and Acts at the Sudder Station.

2*nd.*—That each officer in charge of an office copy shall be held liable to make it over as the property of Government to his successor, who shall report, on receiving charge of the office, or as soon after as may be practicable, that the copies of the Regulations and Acts furnished to the various offices within the range of his jurisdiction are complete, failing to do which the Collector himself will be liable, on leaving the Station, to make good all deficiencies.

3*rd.*—That parties who may at any time be found without the copy which should be in their charge, in accordance with the foregoing rules, will be summarily compelled to make good the value of the missing book to Government.

4*th.*—That every public officer requiring a separate copy shall supply himself at his own expense.

2. In elucidation of the views of Government, it is stated, that although Government should furnish a copy of the Code to all the Zillah Courts, to Collector's offices, and to the office of each Native functionary, yet this is as much for the use of the public as of the several officers referred to.

September 11*th* 1852.

To the JUDGES.

No. 275.

Appeals against Interlocutory Orders to be made under Clause 2nd, Section XCIX. Regulation IV. of 1827.

The Judges are of opinion that great advantage would result if parties appealing against interlocutory orders passed in a suit, such as orders on applications to admit pleadings after time, and all others not relating to the merits of the case under trial, were to do so under Clause 2nd, Section XCIX. Regulation IV. of 1827, which is expressly made for such matters.

October 2*nd* 1852.

To the JUDGES.

No. 276.

Durkhast not required for examination of Witnesses, when brought into Court by the parties.

The erroneous practice of requiring a *durkhast* for the examination of witnesses when brought into Court by the parties, and without any assistance from the Court, should be discontinned.

October 11*th* 1852.

To the JUDGES, COLLECTORS, and AGENTS.

No. 277.

Forms of Annual Returns.

With reference to Circular Order No. 256, Government has directed that the annexed Forms be substituted for the Annual Returns heretofore furnished under former orders.

The following extract, being paragraphs 2 and 3 from a letter from the Government of India, dated 25th June 1852, No. 520, is published for guidance:—

Extract paragraphs 2 *and* 3 *from a letter from the Government of India, dated* 25*th June* 1852, *No.* 520.

2. As these Tabular Forms are intended for the common use of all the Presidencies, it has been unavoidable, owing to diversity of systems and denominations of officers, that some headings and statements should be inserted which, though absolutely necessary at one Presidency, to exhibit what has been done, may be inapplicable or superfluous at another. When this is found to be the case, such headings and statements need only of course be sent up blank.

3. It will be observed that all the Civil Statements, except No. 13, and Nos. 1 to 9 (inclusive), and No. 12 of the Criminal Statements, are comparative returns of the results of five years. The last column in each should be assigned to the year under report, and the results of the four previous years entered in the preceding columns. His Lordship in Council presumes no difficulty will be found in filling up these columns for the past years from official returns which have been already submitted, when the next annual report is being prepared.

The following paragraph is for the guidance of Collectors only:—

In adhering to the instructions in the above extract, it will be necessary that the work of Mamlutdars should be given in Statement No. 3; that of Assistant Collectors in No. 6; that of Sub-Collectors, where there is such an officer, in No. 7 (but otherwise it should be left blank); and that of Collectors in No. 8; and Nos. 2, 4, and 5 should be submitted blank.

CIVIL.

No. I.—Punchayets.

	18 .	18 .	18 .	18 .	18 .
Depending 1st January					
Instituted during the year					
Total					
Decided on merits					
Dismissed on default					
Adjusted or withdrawn					
Otherwise disposed of					
Total					
Depending 31st December					

No. II.—Village Moonsiffs.

	18 .	18 .	18 .	18 .	18 .
Depending 1st January					
Instituted during the year					
Total					
Decided on merits					
Dismissed on default					
Adjusted or withdrawn					
Otherwise disposed of					
Total					
Depending 31st December					

No. III.—District Moonsiffs.

	18 .	18 .	18 .	18 .	18 .
Depending 1st January					
Instituted during the year					
Received by transfer					
Total....					
Decided on merits					
Dismissed on default					
Adjusted or withdrawn					
Otherwise disposed of					
Total....					
Depending 31st December					

No. IV.—Sudder Ameens.

	18 .	18 .	18 .	18 .	18 .
Depending 1st January					
Instituted during the year					
Received by transfer					
Total....					
Decided on merits					
Dismissed on default					
Adjusted or withdrawn					
Otherwise disposed of					
Total....					
Depending 31st December					

No. V.—Principal Sudder Ameens.

	18 .		18 .		18 .		18 .		18 .	
	Original.	Appeal.	Original.	Appeal.	Original.	Appeal.	Original.	Appeal.	Original.	Appeal.
Depending 1st January										
Instituted during the year..										
Received by transfer										
Total....										
Decreed for Plaintiff or Appellant										
Decreed for Defendant or Respondent										
Remanded										
Dismissed on default										
Adjusted or withdrawn										
Otherwise disposed of.....										
Total....										
Depending 31st December..										

No. VI.—Assistant Judges.

	18 .		18 .		18 .		18 .		18 .	
	Original.	Appeal.	Original.	Appeal.	Original.	Appeal.	Original.	Appeal.	Original.	Appeal.
Depending 1st January										
Instituted during the year ..										
Received by transfer										
Total....										
Decreed for Plaintiff or Appellant										
Decreed for Defendant or Respondent										
Remanded										
Dismissed on default										
Adjusted or withdrawn										
Otherwise disposed of.....										
Total....										
Depending 31st December ..										

No. VII.—Subordinate and Additional Judges.

	18 .		18 .		18 .		18 .		18 .	
	Original.	Appeal.	Original.	Appeal.	Original.	Appeal.	Original.	Appeal.	Original.	Appeal.
Depending 1st January.....										
Instituted during the year....										
Received by transfer.....										
Total....										
Decreed for Plaintiff or Appellant										
Decreed for Defendant or Respondent										
Remanded.....										
Dismissed on default.....										
Adjusted or withdrawn.....										
Otherwise disposed of										
Total....										
Depending 31st December ..										

No. VIII.—District and City Judges.

	18 .		18 .		18 .		18 .		18 .	
	Original.	Appeal.	Original.	Appeal.	Original.	Appeal.	Original.	Appeal.	Original.	Appeal.
Depending 1st January.....										
Instituted during the year ..										
Received by transfer.....										
Total....										
Decreed for Plaintiff or Appellant										
Decreed for Defendant or Respondent										
Remanded.....										
Dismissed on default.....										
Adjusted or withdrawn.....										
Otherwise disposed of										
Total....										
Depending 31st December ..										

No. IX.—Sudder Dewanee Adawlut.

	18 .		18 .		18 .		18 .		18 .	
	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.
Depending 1st January										
Admitted during the year..										
Total....										
Dismissed on default										
Adjusted or withdrawn.....										
Confirmed										
Amended										
Reversed										
Remanded										
Total....										
Depending 31st December..										

No. X.—Aggregate of Original Jurisdiction.

	18 .	18 .	18 .	18 .	18 .
Depending 1st January					
Instituted during the year.....					
Total....					
Decided on merits					
Dismissed on default					
Adjusted or withdrawn					
Depending 31st December.....					
Decided by European Judges.....					
Ditto Native ditto					
Ditto Punchayets					
Total decided....					

No. XI.—Aggregate of Appellate Jurisdiction.

Appeals from	District and City Judges.										Subordinate and Additional Judges.									
	18		18		18		18		18		18		18		18		18		18	
	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.
Suits Appealable																				
Appealed																				
Appeals depending on 1st January																				
Total																				
Affirmed																				
Modified																				
Reversed																				
Remanded																				
Dismissed on default																				
Adjusted or withdrawn																				
Total																				
Depending 31st December																				

Appeals from	Assistant Judges.										Principal Sudder Ameens.									
	18		18		18		18		18		18		18		18		18		18	
	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.
Suits Appealable																				
Appealed																				
Appeals depending on 1st January																				
Total																				
Affirmed																				
Modified																				
Reversed																				
Remanded																				
Dismissed on default																				
Adjusted or withdrawn																				
Total																				
Depending 31st December																				

No. XII.—Description of Original Suits.

	18 .	18 .	18 .	18 .	18 .
Connected with Land Rent.....					
Otherwise connected with Land.....					
Connected with Debts, Wages, &c.....					
Ditto ditto Caste, Religion, &c.....					
Ditto ditto Indigo, Sugar, Silk, &c.....					
Total....					

No. XIII.—Result of Original Suits.

In favour of Plaintiff.	In favour of Defendant.

No. XIV.—Average Duration of Suits.

	18 .			18 .			18 .			18 .			18 .		
	Years.	Months.	Days.	Years.	Months.	Days.	Years.	Months.	Days.	Years.	Months.	Days.	Years.	Months.	Days.
Sudder Dewanee Adawlut..															
District and City Judges..															
Subordinate and Additional Judges															
Assistant Judges															
Principal Sudder Ameens..															
Sudder Ameens															
Moonsiffs															

No. XV.—Total Value of Suits depending.

	18 .	18 .	18 .	18 .	18 .
Before Sudder Adawlut					
Ditto other Courts, Original					
Ditto ditto, Appeals					
Total....					

No. XVI.—Debtors in Jail.

	18 .		18 .		18 .		18 .		18 .	
	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.
At the instance of Individuals										
At the instance of Government ..										
Total Number in Jail										

October 16*th* 1852.

To the JUDGES.

No. 278.

Sale of Property seized in Bombay in execution of Decrees passed in Mofussil Courts.

The Court of Sudder Dewanee Adawlut are of opinion, that when property is seized at the Presidency in execution of decrees passed in the Mofussil Courts, the sale of such property, when valued at less than Rs. 500, should be advertised by a notice hung up in the Supreme Court veranda; when valued at above Rs. 500, the sale should be advertised once in the *Government Gazette;* and when valued at above Rs. 1,000, the sale should be advertised five times in that paper.

In forwarding writs for execution against property, the Zillah Judges should communicate with the Sheriff of Bombay in respect to the mode of advertising the sale.

February 23*rd* 1853.

To the JUDGES.

No. 279.

Certificates to be granted to Candidates for Examination.

The following extract, being paragraph 2 of a report from the Committee which assembled at the Sudder Adawlut on the 29th March 1853, for the examination of candidates for the office of pleader, is appended for information and guidance:—

Extract paragraph 2 of a Report from the Committee which assembled at the Sudder Adawlut on the 29th March 1853.

2. It will be seen that 81 candidates were rejected, in consequence of their certificates not fulfilling the requirements of the Circular Orders Nos. 50 and 204 (prescribing the nature and form of certificate), and Nos. 199 and 258 (requiring candidates to be possessed of copies of the Regulations). This rejection, the Committee are aware, has been the cause of expense and suffering to many of the candidates, and, from the number rejected, becomes a cause of serious evil, and the Committee would therefore suggest that the Zillah Judges' particular attention should be drawn to the form of the certificates, and that they should be directed to satisfy themselves before granting certificates, and that when they did grant them they should be in the prescribed form, that they are satisfied of the facts they certify, and not that the fact certified appears from the certificates of others.

April 20th 1853.

To the JUDGES.

No. 280.

Attachment and Sale of Property.

The following remarks contain the Court's construction of Clause 2nd Section LXVI. Regulation IV. of 1827:—

2. The Judges are of opinion that all parties having a right or interest in property attached in execution of a decree must, within 15 days from the date of the proclamation required by Clause 2nd Section LXVI. Regulation IV. A. D. 1827, urge their claims, or undertake to file their suits, or else be debarred from the benefits of any further delay of the sale.

3. The Regulations nowhere provide that after a sale has once been delayed, another proclamation, according to the form contained in Appendix N Regulation IV. should be issued; indeed, the Regulations are silent as to the course to be pursued in executing a decree after a party has engaged to file a suit to prove his title to the property. But apparently with a view, in some measure, to supply this defect, the Circular from the Sudder Dewanee Adawlut No. 51, of the 19th November 1832, provides, that when a sale is for any cause deferred, it shall not take place till after a fresh notification of the time and place has been publicly made. The Circular does not direct that the notice shall be in the form of Appendix N, or that it should invite claimants to the property, but it should be a notification of the time and place of sale, and this notification is not intended to give parties another opportunity of

bringing forward claims to the property and delaying the execution of the decree, but to give as general and timely notice as was given before of the time and place when and where the property is to be sold, and so prevent fraudulent and private sales.

4. The second notice issued should therefore not be a proclamation in the form of Appendix N, but should merely be a notice recapitulating that the sale which had formerly been proclaimed to take place at such a time and place, but which had, for certain causes, been postponed, would, now that these obstructions were removed, take place on such a day, the day being fixed according to the Circular at not less than the original number of days: by these means all clandestine sales, the Judges are of opinion, ought to be avoided, and parties will not be entitled, from the wording of the notice, to insist on a further postponement of the sale.

May 5th 1853.

To THE JUDGES.

No. 281.

The opinion of those of the Native Judges likely to be able to give information to be obtained on subjects of general reference of importance.

The Judges of the Sudder Dewanee Adawlut having lately seen much advantage derived from the Judge consulting the most intelligent of the Native Judges on the subject of the Statute of Frauds, the Zillah Judges are directed, before answering references in future on subjects of general reference of importance, not to fail to obtain the opinion of those of the Native Judges of their Zillahs most likely to be able to give information or opinions on the subject.

May 30th 1853.

To THE JUDGES.

No. 282.

Applications for Special Appeals against the Decisions of Principal Sudder Ameens in Appeal to be accompanied by English Translation of Decree.

The Judges of the Sudder Dewanee Adawlut have ruled that in future all applications for special appeals against the decisions of Principal Sudder Ameens in appeal shall be accompanied by an English translation of that officer's decree.

September 9th 1853.

To THE JUDGES.

No. 283.

The Names of the parties to be used in writing Decrees.

Strict adherence is directed to the rules laid down in Circular Order No. 248, respecting the substitution of the names of the parties for the words "Plaintiff" and "Defendant" in writing decrees.

September 23rd 1853.

To THE JUDGES.

No. 284.

Recovery of Batta for Process.

In supersession of Circular Order No. 188, the Judges of the Sudder Dewanee Adawlut direct, that whenever the party at whose instance process is issued does not prepay the batta, the Nazir of the Court, when the costs of the suit are calculated, should present the presiding officer with a memorandum of what is due on account of batta, and the Moonsiff, Sudder Ameen, or Principal Sudder Ameen, as the case may be, will then issue process for its immediate recovery, under Section XLV. Regulation IV. of 1827.

September 27th 1853.

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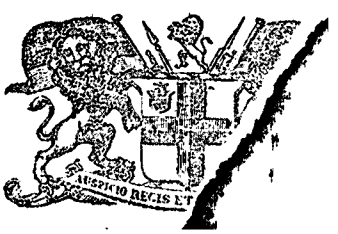

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TO THE JUDGES.

No. 285.

Cases in which a Collector may hold money to the credit of a party against whom a Judgment has been obtained in a Court of Law—such money how to be paid.

The annexed copy of a Circular, issued by Government under date the 6th January 1854, No. 51, is published for information and guidance:—

No. 51 OF 1854.

CIRCULAR. JUDICIAL DEPARTMENT.

TO ALL COLLECTORS.

The Right Honorable the Governor in Council is pleased to direct that in cases in which a Collector may hold money to the credit of a party against whom a judgment has been obtained in a Court of Law, he shall pay such money (to the extent of the amount of judgment) to the Court executing the same, on receiving a precept for that purpose, and the receipt of the Court, and such like certificate and other documents (not including a personal receipt) as would be required from the owner of the money if the payment were about to be made to himself.

2nd.—The order is not to be understood as applying to cases in which the Collector disputes the right of the creditor or creditors under Act. VI. of 1849 to attach the fund.

(Signed) C. J. ERSKINE,
Acting Secretary to Government.

Bombay Castle, 6th January 1854.
February 22nd, 1854.

No. 286.

Costs incurred in Suits or Appeals within the jurisdiction of the Sudder Dewanee Adawlut. A Precept sufficient authority for its refund.

TO THE JUDGES.

The annexed copy of the Government letter No. 17, dated the 4th January 1854, is published for information:—

No 17 OF 1854.

TO THE SUPERINTENDENT OF STAMPS.

SIR,—The Right Honorable the Governor in Council having empowered the Court of Sudder Adawlut to dispose of all applications for the refund of costs incurred in suits or appeals within their jurisdiction, I am desired to request that you will instruct the different Collectors that a precept of the Sudder Dewanee Adawlut, authorising such refund, is to be considered a sufficient warrant for the same.

I have the honour to be, &c.

(Signed) C. J. ERSKINE,
Acting Secretary to Government.

Bombay Castle, 4th January 1854.
February 24th, 1854.

No. 287.

Certificates to Candidates for the Office of Pleader.

TO THE JUDGES.

Before granting a certificate to candidates for the office of pleader, the Zillah Judges should be very particular in the examination therein certified; and they should also satisfy themselves that the applicants are, by character and education, men whom the Zillah Judges would admit to plead in their own Courts.

April 18th, 1854.

No. 288.

Filing of Suits by Principal Sudder Ameens, Sudder Ameens, and Moonsiffs.

TO THE JUDGES.

Where there is only a Principal Sudder Ameen at the Sudder Station, Act IX. of 1844 allows him to file all the suits; but when there is a Moonsiff and Sudder Ameen at a place, not the Hoozoor, the Sudder Ameen should file all suits within his exclusive jurisdiction, and all the others should be presented to, or put into a box and divided by, the Sudder Ameen and Moonsiff sitting together. And when at the Sudder Station, parties might file suits within the competency of the Principal Sudder Ameen and Sudder Ameen, but without the authority of a Moonsiff, in the Courts of those officers, should they be stationed there; but all suits within the competency of a Moonsiff to decide must be filed and distributed by the Judge or his Assistant.

May 6th, 1854.

To the JUDGES.

No. 289.

Pleadings, Motions, or Petitions from parties in Suits represented by Vakeel to be received only through the Vakeel.

Zillah Judges and their subordinate Native Judges shall receive pleadings, motions, or petitions, from parties in suits represented by Vakeel, only through the Vakeel, and under his signature alone. When the client wishes to present any paper which his Vakeel is unwilling should be put in, the Vakeel should request the Court to receive it, irrespective of him, and allow him to withdraw from the suit.

May 8th, 1854.

To the JUDGES.

No. 290.

Extra Judicial Functionaries, in applying for, as a temporary measure, the arrears of business, for the reduction of which the appointment is proposed, should be shown.

The following extract (para. 3) of a letter from the Secretary to Government, in the Judicial Department, No. 3628, is published for information and guidance :—

"3rd.—In applying for temporary aid by the appointment of extra judicial functionaries of any grade, the Judges are required, as a general rule, to show that the arrears, to diminish which the appointment is proposed, have not accumulated by deficiency of supervision and periodical remarks on the part of the Court placed immediately above that in which such arrears have accumulated, or from any other cause which might have been obviated, and judicial officers of all grades should be warned of this rule."

May 15th, 1854.

To the JUDGES.

No. 291.

Observations and suggestions on any project of Law before the Legislative Council of India how to be made.

The annexed copy of letter from the Government of India, dated the 25th August 1854, No. 917, is published for information and guidance :—

No. 917.

From C. Allen, Esq.,
Officiating Secretary to the Government of India,

To H. L. Anderson, Esq.,
Secretary to the Government of Bombay.

Home Department.

Dated the 25th August 1854.

Sir,—In continuation of my letter dated 16th June, No. 668, I am directed by the Most Noble the Governor General in Council to transmit, for the information of the Right Honorable the Governor in Council, a copy of the Standing Orders of the Legislative Council of India.

Hereafter, the practice of addressing special letters for the purpose of requesting

the Government to favour the Legislature with observations and suggestions on any project of law will be abandoned.

The Government is requested to observe that the proper course, for the future, will be, that the Secretary should address to the Legislative Council such observations and suggestions on every bill which may appear in the *Gazette* as it may desire to offer, and shall forward them in a letter addressed to the Clerk of the Council under the Standing Order No. LXVII.

The Governor General in Council requests that the Government of Bombay will draw the attention of their officers to this provision by circular, and will intimate to them that they must henceforth look to the *Government Gazette* alone for information regarding projects of law before the Legislature.

The Governor General in Council has the honour to remind the Government of Bombay that projects of law are no longer to be transmitted to the Supreme Government.

It is open to the Government of Bombay, by law, to communicate regarding such projects of law with any member of the Legislature, or to address the Legislative Council through the Clerk of the Council. The Governor General in Council, however, would take the liberty of suggesting that the most convenient course will undoubtedly be that each local Government should correspond on Legislative business with the member of the Legislative Council nominated by the Governor or Lieutenant Governor of such Government.

October 30*th*, 1854.

No. 292.

TO THE JUDGES.

Batta payable on account of a Pauper party in a Suit or Appeal how to be paid and credited.

Under instructions from Government, dated 30th October 1854, whenever batta is payable on account of a pauper party in a suit or appeal, the Judge is authorised to pay such batta from his petty supply allowance, and, at the termination of the suit or appeal, to send a bill of the expense incurred to the Civil Auditor, and, on receiving it back duly passed, to present it to the Collector for payment. The Collector will debit the amount to "judicial charges extraordinary" in his accounts, and the Judge will credit it in his petty supply account.

November 17*th*, 1854.

No. 293.

TO THE JUDGES.

Copies of Papers necessary in a Suit how to be obtained.

The Native Judges should not file copies of documents presented by the parties themselves, but should, on the durkhast of the suitor, procure from the Collector, or any other department, copies of all papers which it is absolutely necessary should be filed in the suit, and which can, with propriety, be furnished.

November 27*th*, 1854.

To the JUDGES.

No. 294.

Nazir's Security Bonds to be registered.

Receipts from Native Judges and Nazirs on account of Deposits in Public Treasuries need not be countersigned by the Judge.

The Right Honorable the Governor in Council has been pleased, under date the 31st January 1855, to resolve that the security bonds executed by the sureties of Nazirs shall be registered, and the fee attendant on the process is to be paid by the party whose tenure of office is dependent on the compliance with the requisition.

Receipts from Native Judges and Nazirs on account of deposits made by them in the public treasuries need not be countersigned by the Judge.

February 12*th*, 1855.

To the JUDGES.

No. 295.

Native Judges not invested with power to punish their Establishment.

Fines inflicted on the Establishments of Native Judges to be shown in Monthly Returns of Fines.

The Judges of the Sudder Dewanee Adawlut have resolved that the Native Judges should not be invested with powers to punish their establishment. This power is to lie with the Zillah Judge alone, to be exercised by him upon the Native Judge's report.

Fines imposed on the establishments of the Native Judges to be shown in the monthly returns of fines.

February 16*th*, 1855.

To the JUDGES.

No. 296.

Annual Statement of Sums in deposit with Nazirs and Native Judges to be furnished.

An annual statement (on the 1st January) showing the sums in deposit with the Nazirs and the Native Judges to be submitted.

February 27*th*, 1855.

To the JUDGES.

No. 297.

Batta to be prepaid for issue of Process.

Batta to be prepaid for the issue of process.

Circular Orders Nos. 188 and 284 cancelled.

March 27*th*, 1855.

To the JUDGES.

No. 298.

English Decrees of Zillah Judges and of Assistants how to be drawn up.

English decrees of the Zillah Judges and their Assistants shall contain a summary of the plaint; the pleadings and decree in the Court of first instance; the grounds of appeal; and the issues laid down for trial in appeal, the decree, and the reasons for it.

June 5*th*, 1855.

No. 299.

To the JUDGES and COLLECTORS.

No demands to be made on the Gaekwar's Government on account of Batta due for serving Process.

Government have resolved that no demands are to be made upon the Government of His Highness the Gaekwar on account of batta due for the serving of process. All process for execution should be sent to the Revenue authorities, who will defray the expense of batta.

June 11*th*, 1855.

No. 300.

To the JUDGES.

An Office tent allowed for the Circuit of the Zillah Judges, or an allowance of Rupees 600 in eight years.

An office tent for the circuit of the Zillah Judges, from the public stores, or if such is not available, an allowance of Rs. 600 for the purchase of one once in eight years, sanctioned.

July 17*th*, 1855.

No. 301.

To the JUDGES.

Civil and Criminal Process to be forwarded by Post on Public Service.

The Government of India have resolved, under date the 28th September 1855, that civil and criminal processes may be forwarded, as heretofore, by post, on the public service.

November 3*rd*, 1855.

No. 302.

To the JUDGES.

Circular Order No. 25 cancelled.

Cancels Circular Order No. 25 of the printed collection, declaring that the offer or gift of a bribe to any public officer is not to be dealt with as a penal offence.

December 11*th*, 1855.

No. 303.

To the JUDGES, COLLECTORS, and AGENTS.

Forms of Statements of "Aggregate Original Jurisdiction," &c. to be substituted for those hitherto in use in the Annual Civil Returns.

Forwards amended forms of statements of "aggregate of original jurisdiction" and "aggregate of appellate jurisdiction," in view to their substitution for those hitherto in use in the annual civil returns.

December 13*th*, 1855.

(Amended Form.)

AGGREGATE OF ORIGINAL JURISDICTION.

	18 .	18 .	18 .	18 .	18 .
Depending 1st January					
Instituted during the year					
Received by transfer					
Total....					
Decided on merits					
Dismissed on default					
Adjusted or withdrawn					
Otherwise disposed of					
Depending 31st December					
Decided by European Judges					
Ditto Native ditto					
Ditto Punchayets					
Total decided....					

(Amended Form.)

Aggregate of Appellate Jurisdiction.

Appeals from	District and City Judges.										Subordinate and Additional Judges.										Assistant Judges.										Principal Sudder Ameens.									
	18		18		18		18		18		18		18		18		18		18		18		18		18		18		18		18		18		18		18	
	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.	Regular.	Special.
Suits appealable																																							
Appealed																																							
Appeals depending on 1st January																																							
Received by transfer																																							
Total																																							
Affirmed																																							
Modified																																							
Reversed																																							
Remanded																																							
Dismissed on default																																							
Adjusted or withdrawn																																							
Otherwise disposed of																																							
Total																																							
Depending on 31st December																																							

To the JUDGES.

No. 304.

The Selection of Classes of Stamped Paper by the Public optional.

It is optional with the public to select their classes of stamped paper to be used in judicial proceedings, as the law merely fixes the *value* of the stamp, and not the *size* of the material, to be used for specific purposes, and except for "pleadings" unstamped material may be added when the stamped paper is not large enough.

March 4th, 1856.

To the JUDGES.

No. 305.

Certain Documents not to be destroyed.

Under instructions from Government, documents, of whatever age, of the following description, are not to be destroyed:—

1*st.*—Relating to alienated public revenue.

2*nd.*— Ditto to the production of accounts, or copies of the accounts of revenue, management of, or connected with alienations of revenue under the former Government.

3*rd.*—Accounts, or copies of the revenue management of, or connected with alienations of public revenue under the former Government.

July 14th, 1856.

To the JUDGES and COLLECTORS.

No. 306.

Rules to be observed when Petitions for the admission of Special Appeals in *formâ pauperis* are presented to Zillah Judges or Collectors by parties who were not paupers in the lower Courts.

When petitions for the admission of special appeals in *formâ pauperis* are presented to the Zillah Judge or Collector for transmission to the Court of Sudder Dewanee Adawlut by parties who were not paupers in the lower Courts, the Judge or Collector shall make the usual inquiry into the poverty of the petitioners, and, this being established, the petitions should be forwarded. When the poverty is not established, the petitions should be returned to the parties, with an order of rejection endorsed thereon.

When such application is made by one petitioner only, there having been others associated with him in the lower Courts, the petition should not be received unless the decree is against the petitioner alone, or his companions have already been admitted as paupers.

July 26th, 1856.

To the JUDGES and COLLECTORS.

No. 307.

Petitions for admission of a Special Appeal from a decision in the Zillah, in a Suit remanded in Special Appeal from the Sudder Dewanee Adawlut, to be presented on a Stamp, as prescribed in Appendix C Regulation XVIII. of 1827.

The provisions of Clause 2nd, Section XV., Regulation XVIII. of 1827, apply only to regular appeals; and, consequently, all petitions for the admission of a special appeal from a decision in the Zillah, passed in a suit remanded in special appeal from the Sudder Dewanee Adawlut, must be presented on a stamp, as prescribed in Appendix C of the above Regulation.

July 26th, 1856.

No. 308.

TO THE JUDGES.

Procedure to be observed in taking possession of Intestate Estates.

Directs that the Assistant Magistrates in charge of districts, whenever they are of opinion that property of intestates, or persons deceased without known heirs, should be sent to the Court, shall, in the first instance, forward the District Police Officer's report direct to the Judge, who, in the event of his concurring with the Assistant Magistrate, will order the Nazir at once to take possession, or, in the event of his differing, will direct the property to be returned, or left with the party having original possession.

The Nazir is appointed administrator under Section X. Regulation VIII. of A. D. 1827. On taking possession, he shall submit a proclamation in the form contained in Appendix C Regulation VIII. A. D. 1827, for signature and seal of the Judge, and this proclamation shall be then issued.

August 29th, 1856.

No. 309.

TO THE JUDGES.

Applications for Leave of Absence from Native Judicial Functionaries.

In submitting applications for leave of absence from Native judicial functionaries, the Zillah Judge to report what leave the applicant has had within the last twelve months.

December 5th, 1856.

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CIRCULAR ORDERS

OF THE

SUDDER FOUJDAREE ADAWLUT,

FOR THE

YEARS 1857, 1858, AND 1859.

Bombay:
PRINTED FOR GOVERNMENT
AT THE
EDUCATION SOCIETY'S PRESS, BYCULLA.

1860.

CIRCULAR ORDERS

OF THE

SUDDER FOUJDAREE ADAWLUT,

FOR THE

YEARS 1857, 1858, AND 1859.

To the SESSION JUDGES.

No. 495.

Expenditure on account of Prisoners and Prison-labour not to be included in the Nazir's Annual Returns of sums in Deposit.

All sums on account of Prisoners and Prison-labour, to be omitted from Annual Returns of sums in deposit with the Nazir.

March 31*st*, 1857.

To the JUDGES and MAGISTRATES.

No. 496.

Members of Office Establishments will be dismissed when proved to have concealed Frauds, within their cognisance, committed by other members of the Establishment.

Requesting them to cause it to be made known to, and fully understood by, their Office Establishments, and those of their Assistants, Deputies, and other Subordinates, that when frauds are discovered in an Office, the Right Honorable the Governor in Council will, in future, not fail to dismiss from the service of Government those who shall have been, or ought to have been, cognisant of the iniquities perpetrated, and who shall not have given notice of them to the Head of the Office.

April 15*th*, 1857.

To the MAGISTRATES.

No. 497.

Applications to vest Assistant and Deputy Magistrates with power to flog, to pass through the Sudder Foujdaree Adawlut.

All applications to vest Assistant and Deputy Magistrates with authority to pass sentences of corporal punishment, under Act I. of 1853, to be submitted, in future, through the Sudder Foujdaree Adawlut.

April 18*th*, 1857.

8.

gs of olice in g persons, carefully

To the MAGISTRATES.

The proceedings of the Village Police to be carefully watched, so as to prevent any abuse of the powers vested in them of summoning persons on petty criminal charges.

June 13*th*, 1857.

No. 499.

To the SESSION JUDGES and MAGISTRATES.

The law in respect to Conjee Diet to prisoners is not affected by a Circular by the Inspector General of Prisons.

Forwards, for their information, correspondence with Government, in which the Court pointed out that Clause 5th Section VII. Regulation XIV. of 1827 provides that a prisoner may be kept on conjee diet for a month, and that no circular of the Inspector General of Prisons can annul that law; and Government intimated that they had, in consequence, instructed that Officer to be careful that any circulars issued by him of the same kind should take the form of recommendations.

August 29*th*, 1857.

No. 500.

To the MAGISTRATES.

Magistrates and Police Officers held responsible for detention of prisoners under examination.

Communicates, for their information, and that of their subordinates, that the Honorable the Court of Directors hold that every Magistrate and Police Officer is personally responsible in regard to the length of time during which every prisoner in his custody, or in confinement under his orders, is detained under examination.

October 5*th*, 1857.

No. 501.

To the SESSION JUDGES and MAGISTRATES.

Unnecessary delay, from apprehension of accused, to reference to the Sudder Foujdaree Adawlut, to be prevented.

Communicates, for their information and guidance, and that of their subordinates, the instructions of the Honorable the Court of Directors, in noticing the average number of days from the apprehension of the accused to the reference to the Sudder Foujdaree Adawlut, in certain cases, that the controlling District Authorities should be enjoined to prevent all unnecessary delay.

November 25*th*, 1857.

No. 502.

To the MAGISTRATES.

Cases not to be left in the hands of the District Police Officer more than 48 hours, except for indispensable reasons.

Communicates extract of a Despatch from the Honorable the Court of Directors, in which they state their conviction of the importance of a strict adherence to the provisions of Regulation XII. of 1827, Section XLIII. Clause 4, enjoining that, except "for indispensable reasons," cases be not left in the hands of the District Police Officer for a longer period than 48 hours, a provision which the late revelations concerning the practice of torture render it the more imperative to observe.

June 5*th*, 1858.

To the MAGISTRATES.

No.

Case[illegible] the S[illegible] for alter[illegible] be sent t[illegible] mitting off Districts [illegible] purpose.

Ordering the discontinuance of the practice of sending to the Committing Magistrate in the Districts cases returned from the Session Judge for alteration, instead of complying with the Session Judge's orders at once, such practice being extremely objectionable.

June 29th, 1858.

To the JUDGES and MAGISTRATES.

No. 504.

The law in regard to writing and signing judicial sentences, decisions, and final orders.

Transmits, for their information and guidance, copy of the following correspondence, relative to the working of Act XXXIII. of 1854.

October 5th, 1858.

No. 2328 of 1857.

Bombay, Sudder Adawlut,
9th November 1857.

To the Secretary to Government,
Judicial Department.

Sir,—I have the honour, by direction of the Judges of the Sudder Adawlut, to acknowledge the receipt of your letter, No. 622, dated 3rd March last, forwarding copy of one from the Officiating Under-Secretary to the Government of India, with enclosure, and requesting the Court to submit a report on the operation of Act XXXIII. of 1854.

2. In reply, I am desired to submit a summary of the opinions of the Zillah Judges and Magistrates on the working of the Act, and to state that, if the Act is strictly enforced, and every Officer acting judicially is compelled to write every decision and final order, however frivolous or unimportant, or one that is a mere matter-of-course, in his own language and handwriting, the Act would be open to the objections made to it by the Honorable the Court of Directors; but seeing that it is not a penal Act, and that it might be construed liberally, and not literally, the Judges find that practically the objections urged against it are avoided; and as it enables the Court to insist upon every judicial Officer recording his decision in his own language, and, consequently, ensures his being master of the case before he decides it, which is essential in all cases, they think that, under a liberal reading of it, it works well; and as it is absolutely necessary in all important cases, the Judges do not see how it could be altered without going into the other extreme of not providing for every case in which it is desirable that the Judge should record his decision in his own language, they would not interfere with it.

I have the honour to be, &c.

(Signed) M. A. Coxon,
Registrar.

No. 1289.

From C. BEADON, Esquire,
Secretary to the Government of India,

To the SECRETARY to the GOVERNMENT of BOMBAY.

Dated Fort William,
the 24th August 1858.

HOME DEPARTMENT,
JUDICIAL.

SIR,—With reference to your letter, No. 38, dated the 3rd June 1858, I am directed to state, for the information of the Right Honorable the Governor in Council, that the Honorable the President in Council having had under consideration the reports of all the local Governments on the practical working of Act No. XXXIII. of 1854, is of opinion, in common with the great majority of the officers consulted, that the practice enjoined by the law gives rise to no serious delay; that the law is in all other respects beneficial; and that it ought not to be altered.

It appears, however, that in the administration of the law, considerable diversity of practice prevails among Mofussil Officers, and that the provisions of the Act are sometimes applied to cases with which it has no concern.

The law requires that every Officer acting judicially shall write every decision, sentence, or final order, in his own language, and shall sign it in Court at the time of pronouncing the same. But it appears that some Officers observe the requirements of the law when acting otherwise than judicially; that miscellaneous interlocutory and other orders, not being in the nature of a decision, sentence, or final order, are written in the language of the Officer passing the same; and that many Officers consider it necessary not only to sign, but to write, their decisions in open Court at the time when they are passed, notwithstanding an express provision in the Act to the contrary.

The President in Council desires me, therefore, to suggest that the Right Honorable the Governor in Council will draw the attention of the controlling authorities to this point, in order that proper measures may be adopted to secure uniformity, and to save unnecessary delay.

I have the honour to be, &c.

(Signed) C. BEADON,
Secretary to the Government of India.

(True copy)

(Signed) H. L. ANDERSON,
Secretary to Government.

(True copy)

(Signed) J. MORRIS,
1st Assistant Registrar.

To the SESSION JUDGES.

No.

Requesting them to make arrangements by which the Magistrates, their Assistants, and Deputies, may have access to the English record of any trial held by them or their Assistants, and make such extracts or copies of the proceedings as they may desire.

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November 15*th*, 1858.

To the MAGISTRATES.

No. 506.

Sessions Court's convenience to be consulted by Magistrate, his Assistants, and Deputies, in referring to cases.

Informs them of the issue of Circular No. 505 to the Session Judges, and requests them to see that the Session Judge's convenience is always consulted whenever they, or any of their Assistants or Deputies, go to the Adawlut to look at cases.

November 15*th*, 1858.

To the MAGISTRATES.

No. 507.

Police Patels convicted of light offences, not to be put in the Stocks.

Communicates the instructions of Government that, when a Police Patel is convicted of an offence of so light a nature as not to demand his dismissal, he should not be put in the stocks, as such a degradation must be fatal to his authority as the Head of his Village.

February 24*th*, 1859.

To the SESSION JUDGES.

No. 508.

Recommendations for pardon and release of Prisoners to be sent through the Sudder Foujdaree Adawlut.

Communicates, for their information, a Resolution of Government, addressed to the Inspector General of Prisons, respecting the rule to be observed in forwarding applications recommending the pardon and release of prisoners.

Resolution.—Government having, in accordance with the recommendation of the Inspector General of Prisons, ordered the release of certain prisoners in the Ahmedabad Gaol, who were suffering from *Atrophia*, the Judges of the Sudder drew the attention of Government to Clause 3rd Section XXXI. of Regulation XIII. of 1827, and it was accordingly intimated that mitigations of punishments and pardons would, in future, be communicated through the Judges.

2. Subsequently, on an application for the release of a prisoner having been preferred through the Inspector General of Prisons by the Senior Assistant Session Judge of Broach, it was intimated that the application should have been preferred through the Sudder Adawlut.

3. To this Mr. Bettington objects, and urges that the question is not a judicial one, but merely one connected with the health of prisoners. Mr. Bettington should be informed that the pardon and release of a prisoner are judicial acts, whatever may be the causes which induce the Government to exercise the power vested in it by the law. It is, therefore, clear that, on this ground, the Regulations prescribed that all pardons and mitigations should be communicated through the Sudder; and as long as these Regulations stand, the course to which Mr. Bettington objects must be followed. The Inspector General may be reminded, with reference to his allusion to Act VIII. of 1856, which, though it does repeal some Sections of the Regulations, does not repeal Clause 3 of Section XXXI. of Regulation XIII. of 1827, that he submitted his opinion to Government in September last, that no further alterations in the Regulations were rendered necessary by the operation of Act VIII. of 1856.

February 25th, 1859.

No. 509.

TO THE SESSION JUDGES AND MAGISTRATES.

Descendants of British subjects who are, and who are not, amenable to the jurisdiction of Mofussil Criminal Courts.

Forwards, for their information and guidance, copy of a correspondence containing the opinion of the Advocate General of Calcutta regarding the liability to the Mofussil Criminal Courts of persons born in this country lawfully descended from male European natural-born British subjects, whose mothers, grandmothers, or more remote ancestresses, may have been British subjects.

Letter from Joint Magistrate of Mirzapoor to Advocate General, Calcutta.—I have the honour to submit the following case for your consideration and legal opinion.

2. *A*, the son of a European British subject, is born in wedlock at Patna, in India, and married an Armenian woman in this country, from whom he had issue *B*, likewise born in lawful wedlock. Is *B* a European British subject so as to render him not amenable to the Mofussil Criminal Court or not?

3. I beg also to be informed what is the limit, if any, to country-born persons, descended legitimately from one European male ancestor several generations back, to be themselves considered as European British subjects, so as to render them not amenable to the said Courts.

P. S.—I beg also to request that you will be good enough to inform me whether the circular of the Sudder Nizamut, throwing the *onus probandi*, that a defendant is amenable to the Mofussil Courts, *i. e.* is not a European British subject, on the Magistrate or committing Officer, is still in force or not.

Reply from Advocate General to Joint Magistrate of Mirzapoor.—In reply to your letter, No. 543, dated the 18th instant, I have the honour to state that I am of opinion that, in the case put by you, *B*, as the son born in wedlock of *A*, who was the son born in wedlock in British India of a European British subject, is clearly a British subject within the meaning of the Charter of, and Acts relating to, the Supreme Court; and is not amenable to the jurisdiction of the Mofussil Criminal Court.

2. The circumstance that *A's* mother was an Armenian, and that *B's* mother was not a European British subject, makes no difference in this respect. The son of a father who was a European British subject, and the son of such son, are both British subjects within the meaning of the Charter and Statutes, whatever be the race or country of their mother, provided the sons were born in wedlock.

3. The second question put by you is a more difficult one. It is certain that the legitimate grandsons in the male line of a European British subject are entitled to all the privileges of British subjects within the meaning of the Charter and Statutes, though both they and their fathers may have been born in this country of Native, Armenian, East-Indian, or foreign mothers. Whether the privilege extends beyond the grandson has never been determined, and may be treated as an open and doubtful question.

4. My own opinion is, that if the East India Company's possessions in India continued in the same state, in respect of sovereignty, as they were in 1774, when the Charter and the first Statute relating to the Supreme Court were passed, no descendant beyond the grandson of a European British subject would be entitled to the privileges of a British subject, such descendant and his father and intermediate male ancestor or ancestors being born in this country; for in that case, as India was when the Charter and Statute passed out of the allegiance of the Crown, and its inhabitants were in theory the subjects of the Great Mogul, the descendants born in this country of a European British subject would be born out of the allegiance, and would be aliens but for the operation of certain general English Statutes (25 Edward III. Chapter 2, 7 Anne Chapter 5, 4 George II. Chapter 21, 13 George III. Chapter 21), and by these Statutes the privileges of a British subject are limited to grand-children by the father's side of natural-born subject. The same result would follow, whether the mother or female ancestors were British subjects or not.

5. But my impression is, that from the time when our possessions in India became the dominion of the Crown, a different result followed; and that all children, grand-children, or more remote legitimate descendants, born after that time within those dominions of a European British subject, became themselves entitled to all the privileges of a British subject, without the aid of the general Statutes above referred to, as being born within, and not out of, the allegiance of the Crown. I, therefore, am inclined to think that, in respect of all persons descended legitimately from a male European British subject, and born in British India subsequently to the vesting of the sovereignty in the Crown,* there is no limit, in point of degree of descent, to the rights of such persons to claim the privileges of British subjects.

* The date of such vesting it was certainly after 1774, and previous to 1813. Practically, for the present purposes, I think the beginning of the century may be taken as the period.

6. The construction, No. 759, of the Sudder Nizamut Adawlut, appears to be still in force in that Court. But it is, I apprehend, inaccurately framed, and has been remarked on as incorrect by the late Chief Justice Sir Lawrence Peel in the Supreme Court. It is also, if taken without qualification, opposed to the spirit of the Privy

Council's decision in Calder *versus* Halnett. I think, however, that the rule itself is not incorrect, if it be taken with the following qualification. If the Magistrate know that the prisoner is a European British subject, it is his duty, whether the prisoner claims exemption or not, to abstain from further proceedings against him as a Magistrate. If, without any actual knowledge on the subject, the Magistrate have reason to suppose that the prisoner is such a British subject, it is the Magistrate's duty to ascertain from him whether he alleges or denies that he is one; and if he alleges that he is, to give him every facility, by allowing time and otherwise for proving that he is, the burden of such proof being on him. A Magistrate will not be justified, if he has reason to suppose that a prisoner is a European British subject, in proceeding against him as if he were not one, without first giving him a distinct opportunity of pleading that he is one. If he do not so plead, or be not able, upon time being allowed him for that purpose, to adduce any satisfactory proof of his being a European British subject, the Magistrate will be quite warranted in proceeding against him. If he do so plead and give proof, or produce documents, which, although not amounting to full legal proof of his *status*, satisfy the Court that he is really a European British subject, the Magistrate should, without putting the prisoner fully to complete his proof by strict legal evidence, take up the case as a Justice of the Peace, and send it up to the Supreme Court; taking care to record distinctly the statement made by the prisoner that he is a British subject of lawful European descent.

R. *vs.* Foy, Tayler and Bell's Report, p. 219.

7. The regular course of taking the opinion of the Advocate General upon such questions as these, is by application through the Secretary to the Government (in the Home Department). To save time, however, I write to you direct in the present instance, but send copies of your letter, and of my reply, to the Secretary.

March 23*rd*, 1859.

No. 510.

Law relating to penalty for mischief committed by causing Cattle to trespass.

To THE MAGISTRATES.

The penalty alluded to in Section XVII. of Act III. of 1857 is that which may be awarded under Section XLII. of Regulation XIV. of 1827, and not any penalties provided for in the Act itself.

April 6*th*, 1859.

No. 511.

Appropriation of fines levied under local Nuisance Act.

To THE MAGISTRATES.

Forwards, for their information, extract of a Despatch from Her Majesty's Principal Secretary of State for India.

Extract.—The amount of the fines, under Act XXI. of 1841, expended by the several Magistrates on local improvements, appears to have been judiciously applied. I do not consider it necessary to direct the strict enforcement of the instructions of the Court of Directors, of the 28th October 1846, prohibiting the expenditure on local improvements of the proceeds of fines under the Act referred to; but I desire that the returns of the Magistrate, exhibiting the purposes for which the several disbursements have been made, may be carefully examined, and that any instance of the improper or injudicious application of the funds may be immediately noticed.

Forwarding a Return showing the amount of fines levied by the several Magistrates in the Bombay Presidency during 1856-57, and the manner in which the money was appropriated.

April 26th, 1859.

To the SESSION-JUDGES.

No. 512.

When sending Prisoners to another Gaol for their sentence to be carried out, with the warrant of each is to be forwarded a certificate setting forth his plea, and whether or not he has ever petitioned before.

In transferring Prisoners to another Gaol, the warrant to be accompanied with a certificate setting forth the plea of each, and whether he ever petitioned before.

May 16th, 1859.

To the MAGISTRATES.

No. 513.

Gentlemen,—I am directed to acknowledge the receipt of your reply to the Court's Circular, No. 839,* dated the 26th May 1858, on the subject of the destruction of Magisterial records, and to convey to you the sanction of the Judges to your destroying periodically, as prescribed below, the papers specified in the list submitted by Mr. Goldfinch, the Magistrate of Sholapoor, a copy of which was furnished to you with the above reference.

Rules for the destruction of useless records.

2. The papers are to be destroyed once in two years, as it is understood the Revenue Records are, and not at the end of the particular periods for which the list provides that they should be kept; but they must all be preserved until the period for the destruction of useless records arrives (which might be simultaneous with the destruction of the Revenue Records), and then the whole must be destroyed, excepting those the period for keeping which, according to the list, may not have then expired; care being always taken that no cases are destroyed which are likely to be required for the conviction of offenders still at large, or the identification of stolen property still undiscovered.

3. It was suggested by Mr. Goldfinch that the records should be burnt; but at Broach the judicial records have been torn into small pieces and thrown into water, and the pulp, to which they are then reduced, sold to the Paper-makers, and that plan the Judges would recommend in all places where Paper-makers are not at a great distance.

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* Not printed.

4. If, after the destruction of papers, as now sanctioned, you find any others that you think it would be advisable not to keep, and will submit a list of them, it will be considered by the Court; but you should be careful that your list contain only Magisterial and not Police and Revenue papers.

5. Security Bonds and Recognisances, Nos. 10 and 20, should be kept, I am desired to remind you, for six months after the period to which they refer has expired, as mentioned in the Court's letter to the Magistrate of Sholapoor, No. 629, dated the 14th April 1858, copy of which accompanied their circular above referred to.

I have, &c.

(Signed) R. WHITE,
Acting Registrar.

July 9th, 1859.

[NOTE.—The following is the list of Papers referred to in the 1st paragraph of the above Circular.]

LIST OF PAPERS IN THE MAGISTERIAL DEPARTMENT PROPOSED TO BE DESTROYED AS USELESS.

Police Amuldar's Office.

1. Monthly Returns of cases disposed of by the Village Officers, together with the reports and papers connected therewith.	These are obtained for the preparation of the Talooka Returns; after this, they are useless.
2. Monthly Lists of unanswered references...	To be destroyed after six months.
3. Monthly Returns of cases disposed of by Police Amuldars, and of cases committed by them to the Assistant Magistrates, &c. for trial.	These returns are sent for the information of the Magistrate and Assistant Magistrates. The information contained in these papers is obtainable from the Talooka Magisterial proceeding books.
4. Extracts from the Muster Books of suspicious characters sent to the Police Amuldar by the Village Police Officers every month.	Useless after perusal.
5. Papers, depositions, &c. taken by Police Amuldars, connected with investigations in Magisterial cases disposed of by them.	The Minute or Proceeding book details the proceedings adopted. One year's papers should be kept for reference in cases of appeals, and the rest destroyed.
6. Return showing the number of wild animals killed, and papers connected with inquiries into claims to ownership of stray cattle and unclaimed property.	The first useless. The number of stray cattle seized and returned to owners, &c., and the amount of unclaimed property received and disposed of, is shown in books kept for the purpose.
7. Weekly Returns of untried Prisoners in District Jails.	Useless after perusal.
8. Quarterly Returns of Prisoners remaining untried before Police Amuldars and Assistant Magistrates, &c.	Useless after the general return to the Sudder Foujdaree Adawlut is sent.

9. Rough memorandum made out for the preparation of the Annual Crime Returns.	Useless after the returns are made out.
10. Security Bonds, Recognisances, &c.	To be destroyed after the period to which they refer has expired.
11. Memorandum showing the emoluments of Police Patels.	Captain Wingate's scale of remuneration having been made applicable, these are useless.
12. Statement showing the number of Shetsundees in each Village, and the emoluments derived by them.	These were obtained previous to the receipt of orders for the reorganisation of this class of servants; are now useless, fresh statements having been made out in the Police Superintendent's Office.
13. Correspondence between District and Village Police Officers, relating to subjects finally disposed of, and of no use for future reference.	Useless.

Office of the Magistrate and his Assistants.

14. Monthly Lists of unanswered references...	To be destroyed after six months.
15. Monthly Returns of cases disposed of by Police Amuldars, and of cases committed by them to the Assistant Magistrate for trial.	The same as No. 3.
16. Weekly Returns of untried Prisoners in District Jails.	Useless after perusal.
17. Quarterly Returns of Prisoners remaining untried before Police Amuldars and Assistant Magistrates, &c.	As per No. 8.
18. Rough memorandum, &c. made out for the preparation of the Annual Crime Returns.	Useless after the returns are made out.
19. Depositions, &c. in Magisterial cases tried by the Magistrate and his Assistants.	Depositions, &c. in cases in which the accused are discharged, should be retained for two years, and then destroyed, with the exception of English and Murathee proceedings. In cases in which Prisoners are convicted, the papers, &c. should be kept for two years after the expiry of the term of sentence, and then destroyed, with the above exception.
20. Security Bonds, Recognisances, &c.	To be destroyed after the period to which they refer has expired.
21. Memorandum showing the emoluments of Police Patels.	Captain Wingate's scale of remuneration having been made applicable, these are useless.
22. Statement showing the number of Shetsundees in each Village, and the emoluments derived by them.	These were obtained previous to the receipt of orders for the reorganisation of this class of servants; are now useless, fresh statements having been made out in the Police Superintendent's Office.

No. 514.

To the MAGISTRATES.

Cause of delay in those cases only which are detained longer than a month, to be explained in Quarterly Returns of Cases and Prisoners for trial.

It is necessary to explain in the Quarterly Returns of Cases and Prisoners for trial, furnished under the Court's Circular, No. 347, the cause of delay in those cases only which have been detained longer than a month.

August 5th, 1859.

To the MAGISTRATES.

No. 515.

Amended form of Annual Return of fines levied under the Law for the prevention of Nuisances.

Gentlemen,—In some of the Returns for the year ending 30th April last, furnished under the Court's Circular, No. 492, of the 31st July 1856, no mention is made of Section XIX. Regulation XII. *A.D.* 1827, whether because in the Collectorates in the Returns of which the omission occurs no fines were inflicted under that enactment during the above period, or because it is supposed that the Returns need only to be of fines under Act XXI. of 1841, is not apparent.

2. To prevent mistake on this point, and ensure greater uniformity and exactness in these Returns, the Judges request that you will, in future, submit them in the annexed form.

I have, &c.

(Signed) R. White,
Acting Registrar.

[*Form.*]

ANNUAL RETURN showing the Fines levied in the Collectorate of ——— under Section XIX. Regulation XII. of 1827, and Act XXI. of 1841, from 1st May 1858 to 30th April 1859, and the manner in which they were appropriated as required by the Court's Circulars, No. 1787, of the 31st July 1856, and No. 1454, of the 9th September 1859.

1	2	3	4						5				6			7
Collectorate.	Talooka.	Enactment under which fines were levied.	Amount of fines levied under each separate enactment in each Talooka.						Amount of fines in each Talooka expended on local improvements by Government Officers, and the nature of the work executed.				Amount of fines in each Talooka transferred to Municipalities.			Remarks.
			Under Reg. XII. of 1827 Sec. XIX.			Under Act XXI. of 1841.			Expenditure.			Nature of the works.				
			Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.		Rs.	a.	p.	
	B ..	Act XXI. of 1841...	..	..	..	50	0	0	10	0	0	Repairing the road between —— and ——				
		Act XXI. of 1841...	..	..	..	30	0	0	..	..	..	.....				
	C ..	Regulation XII., Section XIX. of 1827.	60	0	0	..	..	..	..	..	..	.....				
A ..	D ..	Regulation XII., Section XIX. of 1827.	40	0	0	..	..	..	20	0	0	Granted in aid of the Government School at ——				
	E ..	Act XXI. of 1841 ..	..	..	..	80	0	0	15	0	0	Levelling ground and constructing a raised road outside the Kote at ——				
		Total..	100	0	0	160	0	0	45	0	0		..	..	..	

September 9th, 1859.

———, Magistrate.

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